

SIMPLIFIED COMPARISONS BETWEEN “NOW” & “DRAFT LC 0268 FRAMEWORK”

Oregon Emergency Management
Structures/Systems
Reform
LC 0268

2020

OEM REFORMS: The Rational for Change

What we have in NOT working

21st Century “Benchmark” models

WE need to make investments, but there is no certainty (now) these efforts will yield desired outcomes absent structural/systemic reforms

Core Mission Functionality is at the Heart of LC 0268

LC 0268 Framework empowers Centralized Command with Decentralized Controls

The Time is NOW: 2020 Lessons Learned have demonstrated gaps and manifested previous concerns

Definitions

401.025 Definitions for ORS chapter 401. As used in this chapter:

(1) “Emergency” means a human created or natural event or circumstance that causes or threatens widespread loss of life, injury to person or property, human suffering or financial loss, including but not limited to:

(a) Fire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war; and

(b) A rapid influx of individuals from outside this state, a rapid migration of individuals from one part of this state to another or a rapid displacement of individuals if the influx, migration or displacement results from the type of event or circumstance described in paragraph (a) of this subsection.

(2) “Emergency service agency” means an organization within a local government that performs essential services for the public’s benefit before, during or after an emergency, such as law enforcement, fire control, health, medical and sanitation services, public works and engineering, public information and communications.

(3) “Emergency services” means activities engaged in by state and local government agencies to prepare for an emergency and to prevent, minimize, respond to or recover from an emergency, including but not limited to coordination, preparedness planning, training, interagency liaison, fire fighting, oil or hazardous material spill or release cleanup as defined in ORS 466.605, law enforcement, medical, health and sanitation services, engineering and public works, search and rescue activities, warning and public information, damage assessment, administration and fiscal management, and those measures defined as “civil defense” in 50 U.S.C. app. 2252.

(4) “Local government” has the meaning given that term in ORS 174.116.

(5) “Major disaster” means any event defined as a “major disaster” under 42 U.S.C. 5122(2). [1983 c.586 §2; 1985 c.733 §21; 1987 c.373 §84; 1989 c.361 §8; 1991 c.418 §1; 1991 c.956 §10; 1993 c.187 §1; 1999 c.935 §29; 2005 c.825 §9; 2007 c.97 §10; 2007 c.223 §5; 2007 c.740 §20; 2009 c.718 §17]

401.030 [Amended by 1967 c.595 §1; 1969 c.80 §8; 1975 c.379 §9; 1975 c.624 §1; repealed by 1983 c.586 §49]

Responsibilities

401.032 Statement of policy and purpose.

(1) The general purpose of this chapter is to reduce the vulnerability of the State of Oregon to loss of life, injury to persons or property and human suffering and financial loss resulting from emergencies, and to provide for recovery and relief assistance for the victims of emergencies.

(2) It is declared to be the policy and intent of the Legislative Assembly that preparations for emergencies and governmental responsibility for responding to emergencies be placed at the local level. The state shall prepare for emergencies, but shall not assume authority or responsibility for responding to an emergency unless the appropriate response is beyond the capability of the city and county in which the emergency occurs, the city or county fails to act, or the emergency involves two or more counties. [Formerly 401.015]

401.035 Responsibility for emergency services systems.

(1) The emergency services system is composed of all agencies and organizations involved in the coordinated delivery of emergency services. The Governor is responsible for the emergency services system within the State of Oregon. The executive officer or governing body of each county or city of this state is responsible for the emergency services system within that jurisdiction.

(2) In carrying out their responsibilities for emergency services systems, the Governor and the executive officers or governing bodies of the counties or cities may delegate any administrative or operative authority vested in them by this chapter and provide for the subdelegation of that authority. [1983 c.586 §3; 2009 c.718 §24]

Oregon Homeland Security Council (AS IS)

401.109 Oregon Homeland Security Council. (1) The Oregon Homeland Security Council is created within the Office of Emergency Management. The council shall:

(a) Receive briefings on security matters:

(A) For which the office is responsible at least annually from state agencies and organizations as determined by the council; and

(B) Relating to catastrophic disasters declared by the Governor pursuant to Article X-A, section 1, of the Oregon Constitution, or states of emergency declared by the Governor pursuant to ORS 401.165.

(b) Advise state agencies with responsibility for security matters on the future direction of the office's planning, preparedness, response and recovery activities.

(2) The membership of the council consists of:

(a) Four members from the Legislative Assembly appointed as follows:

(A) Two members from the Senate appointed by the President of the Senate; and

(B) Two members from the House of Representatives appointed by the Speaker of the House of Representatives;

(b) The Governor;

(c) The Adjutant General;

(d) The Superintendent of State Police;

(e) The Director of the Office of Emergency Management; and

(f) A representative of the Department of Justice appointed by the Attorney General.

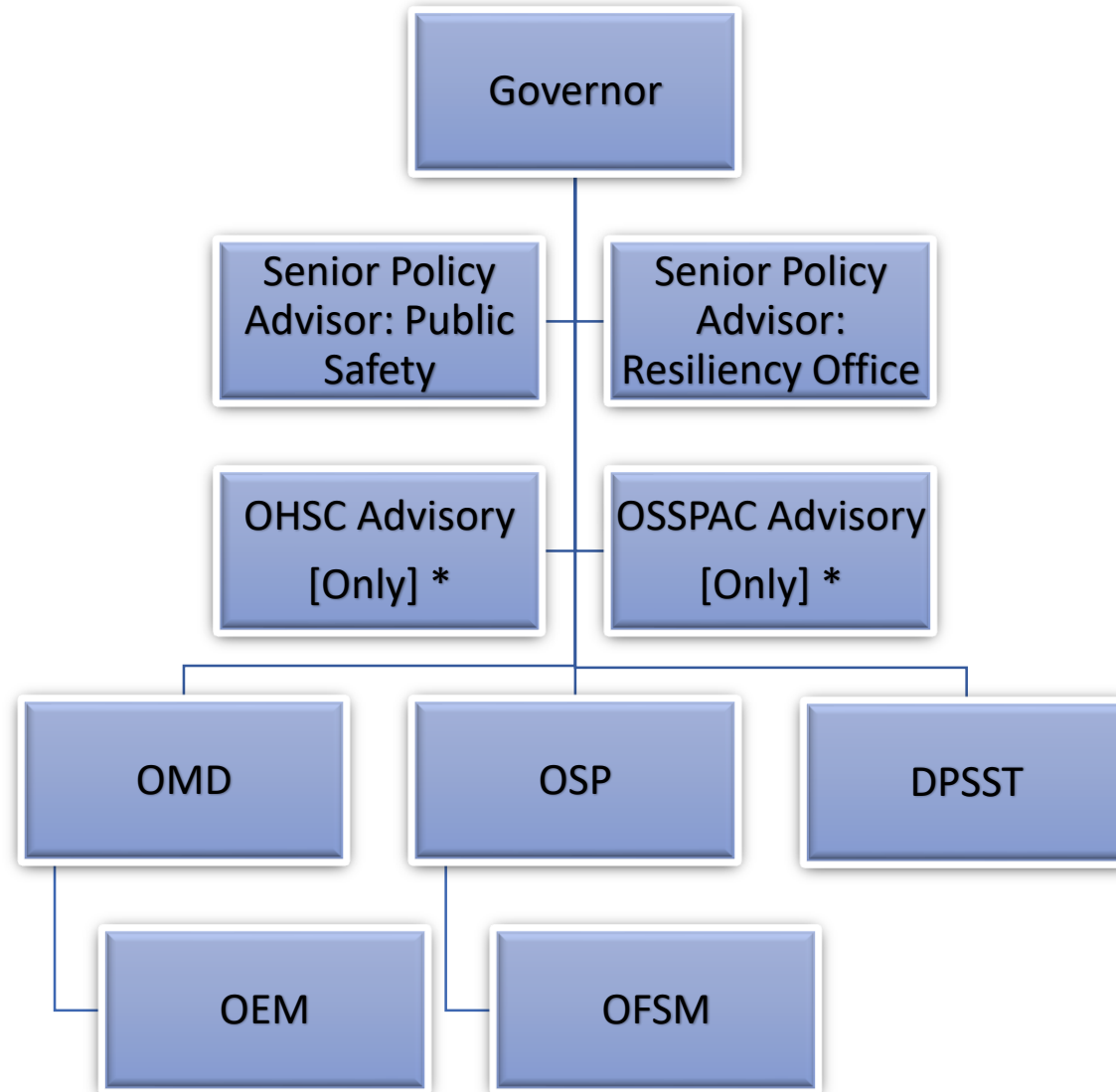
(3) Each member appointed to the council under subsection (2) of this section serves at the pleasure of the appointing authority. The membership of a public official ceases upon termination of the office held by the official at the time of appointment to the council.

(4) The Governor is the chairperson of the council.

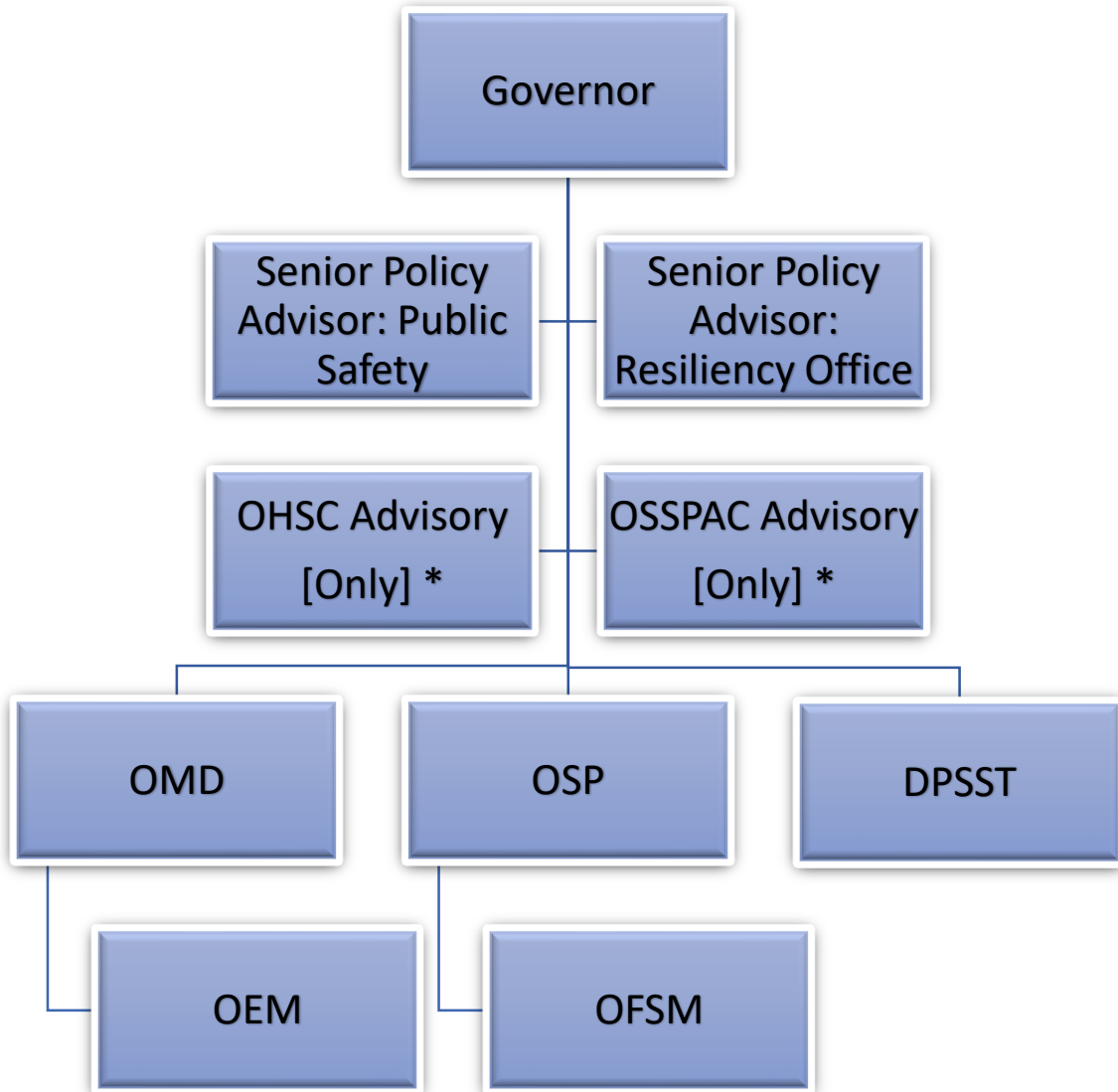
(5) The Adjutant General is the vice chairperson of the council and serves as the chairperson in the absence of the Governor.

(6) Members of the council are not entitled to compensation under ORS 292.495. The director, in the director's discretion, may reimburse members of the council as provided in ORS 292.495 for actual and necessary travel or other expenses incurred in the performance of their duties as members of the council. [Formerly 401.881; 2012 c.32 §2; 2019 c.282 §1]

Oregon Emergency Services Now:



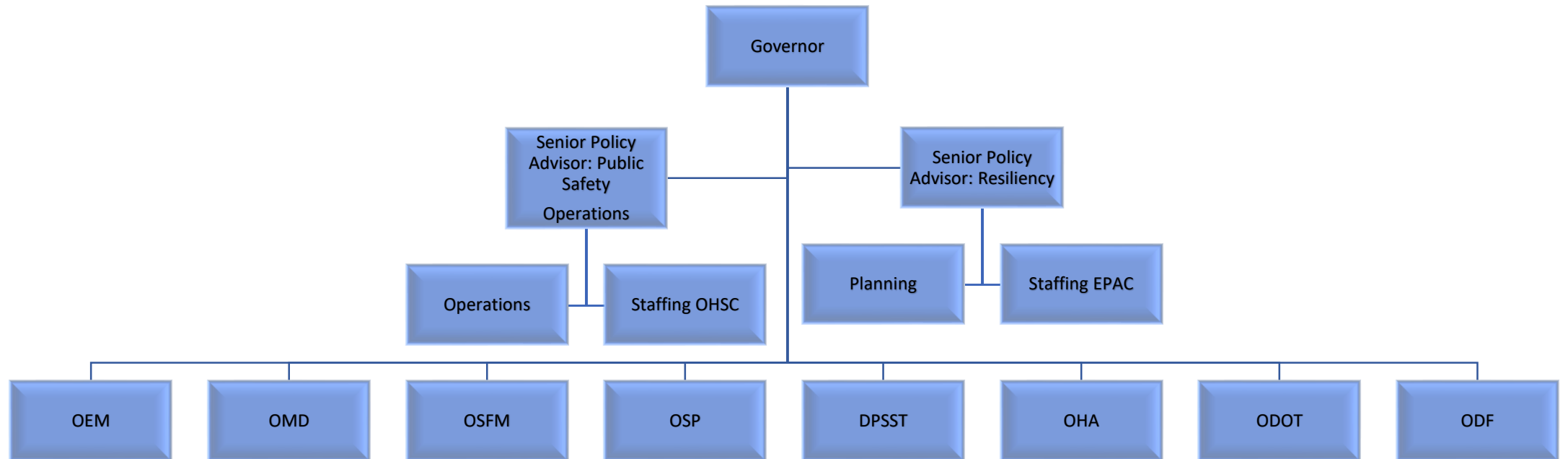
Oregon Emergency Services Now:



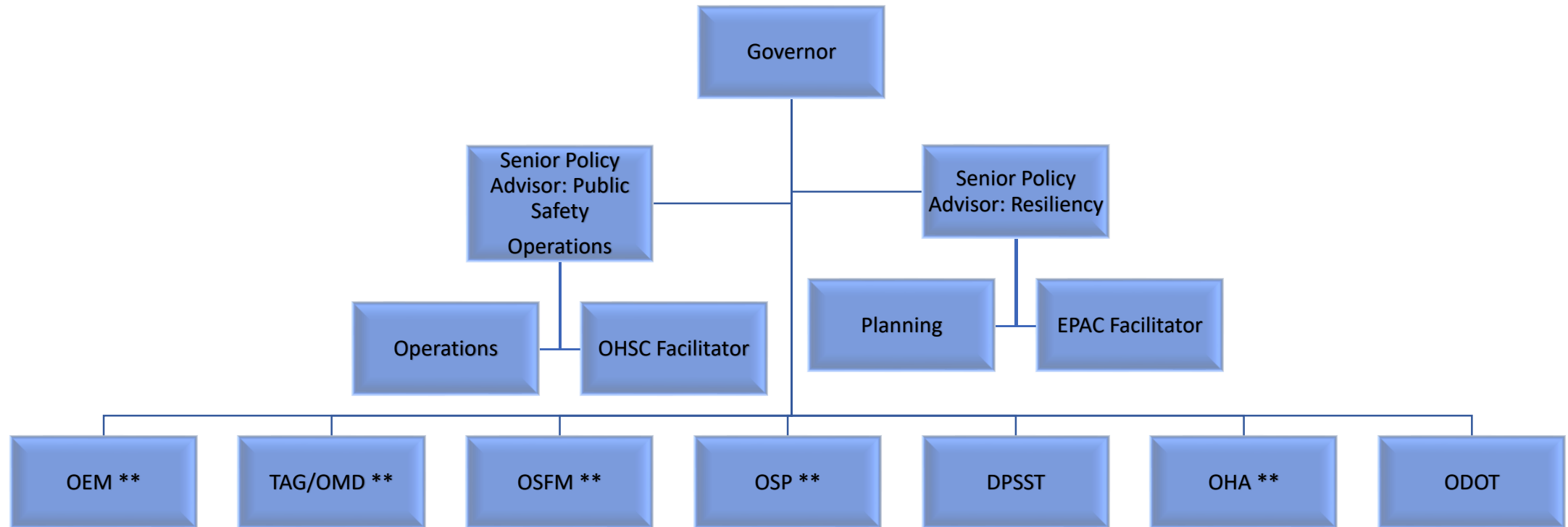
In addition to “standard” emergencies (ORS 401) several agencies maintain specific hazard specific emergencies that often yield unnecessary confusion.

“Agricultural Emergencies” (Dept of Ag)
“Conflagration” (OFSM)
“Public Health Emergencies” (OHA)

Oregon Emergency Services Delivery: Draft Framework

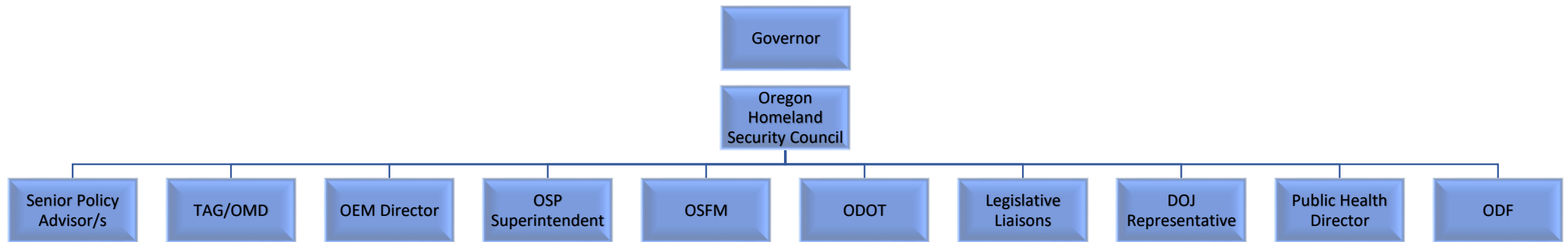


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** Director positions subject to Gubernatorial appointment and Senate confirmation under LC 0268

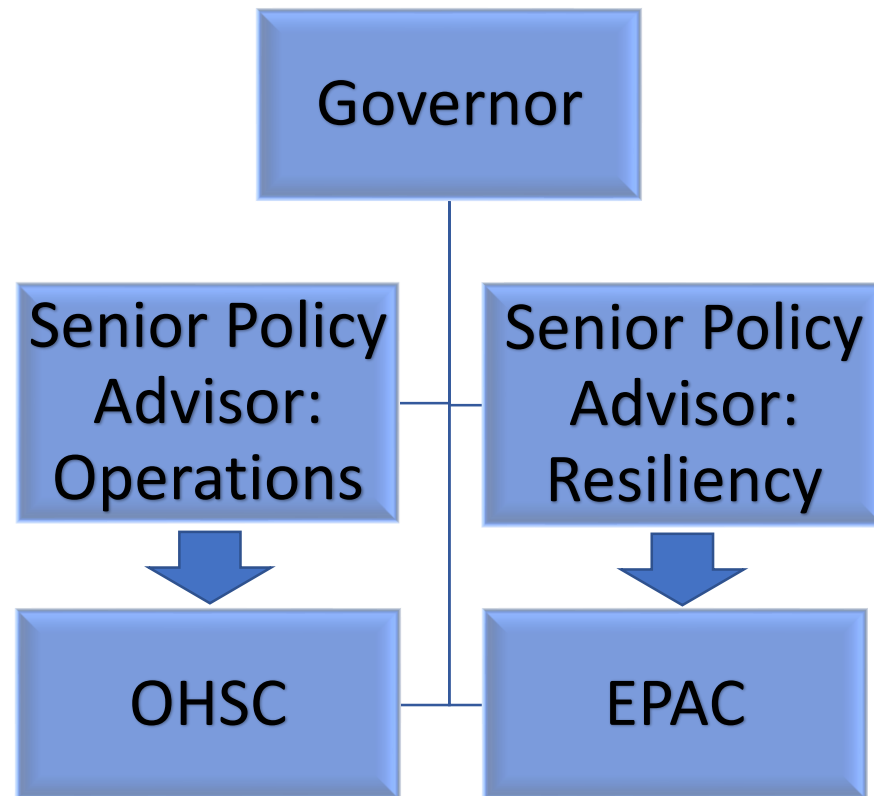
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This Concept Reforms the Oregon Homeland Security Council as the primary policy coordination role among the public safety services delivery organizations. With providing the authority for the Governor’s Office to staff/support this reformed OHSC we can implement a flexible, but coordinated strategy: through requiring “regular” coordination (at least once every 31 days), we can avoid some of the inherent “silos of excellence” mentality that could develop absent a culture of information coordination.

Note: The Governor may add members to the OHSC as deemed necessary on a permanent or temporary basis

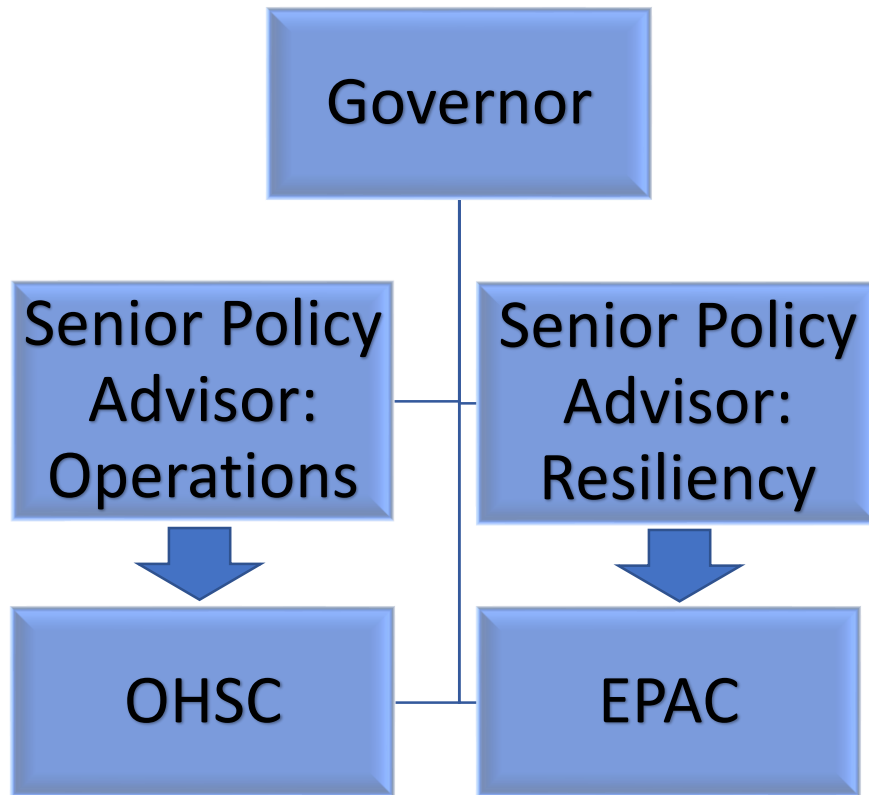
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Governor's authority flows through SPAO or SPAR depending upon the "posture" of the action: current ops or future ops

Emergency Preparedness Advisory Council (expanded for full-spectrum ESF 1-18 perspectives) includes representatives from OHSC Members, plus local, regional, private/public/non-profit organizations

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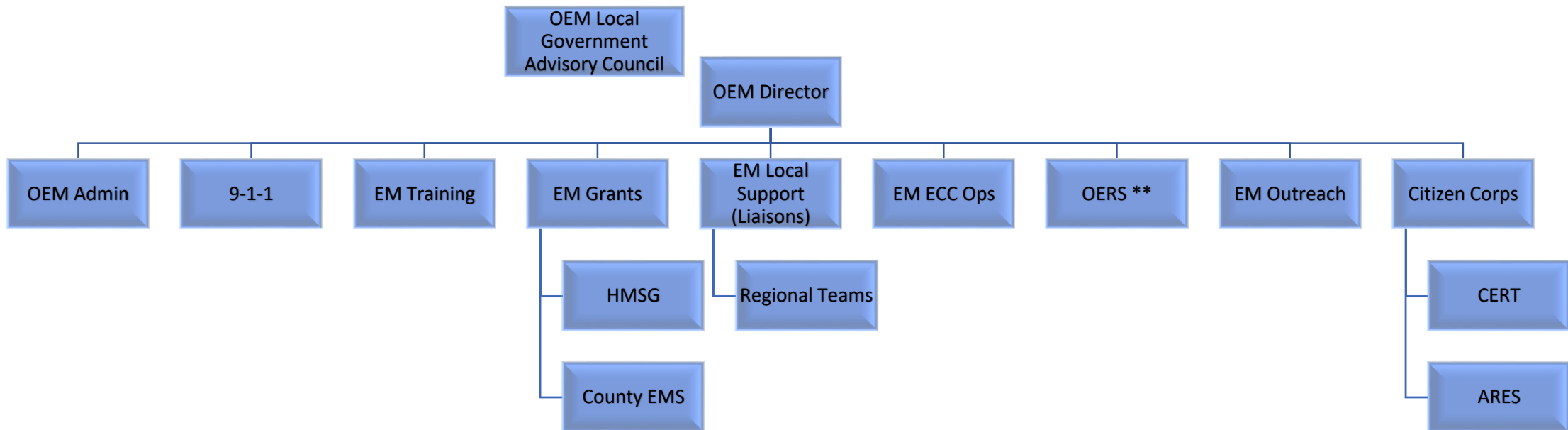


Legislative Action:
Simplification of existing Emergency statutes to single process through SPAO to SPAR

Key Benefits: Deployment efficiencies, enhanced opportunities for potential federal reimbursement, and greater support for local/regional disaster managers

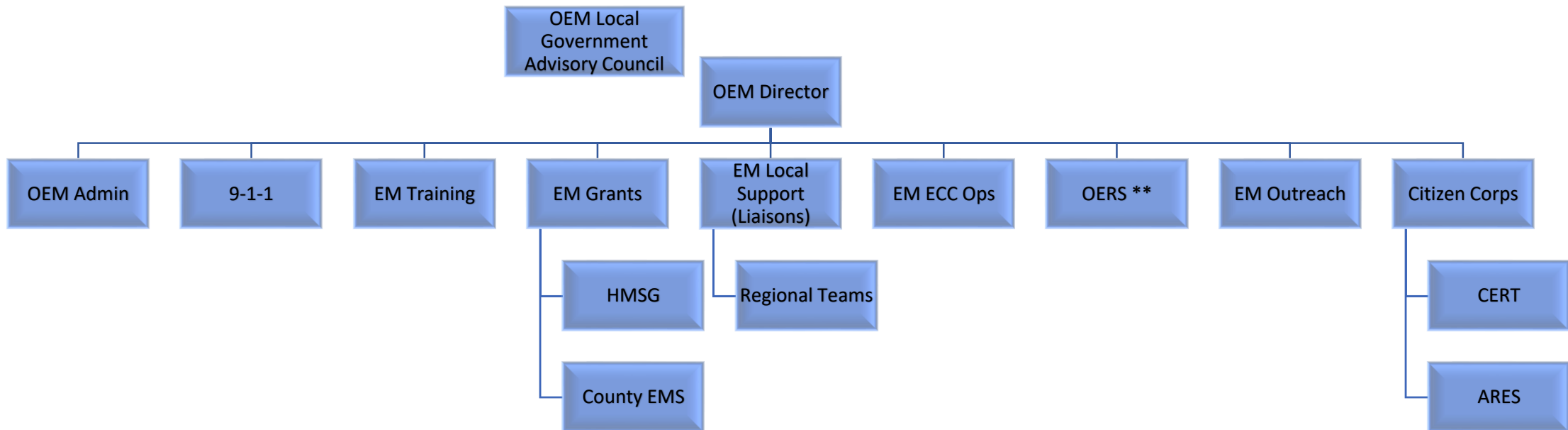
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OEM would expand existing functions, transition OERS from OSP/OSFM into OEM operations, and reset statewide volunteer coordination through Citizen Corps *

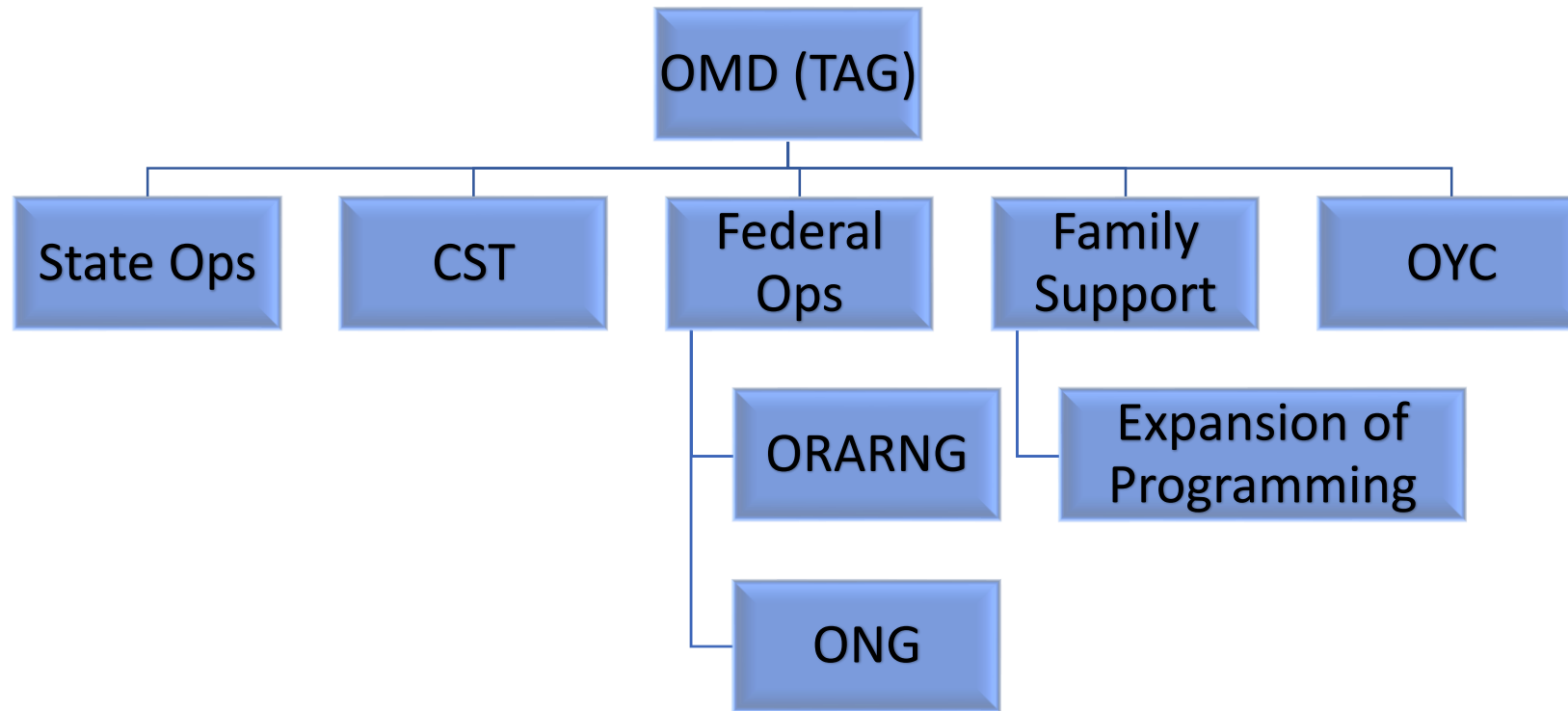


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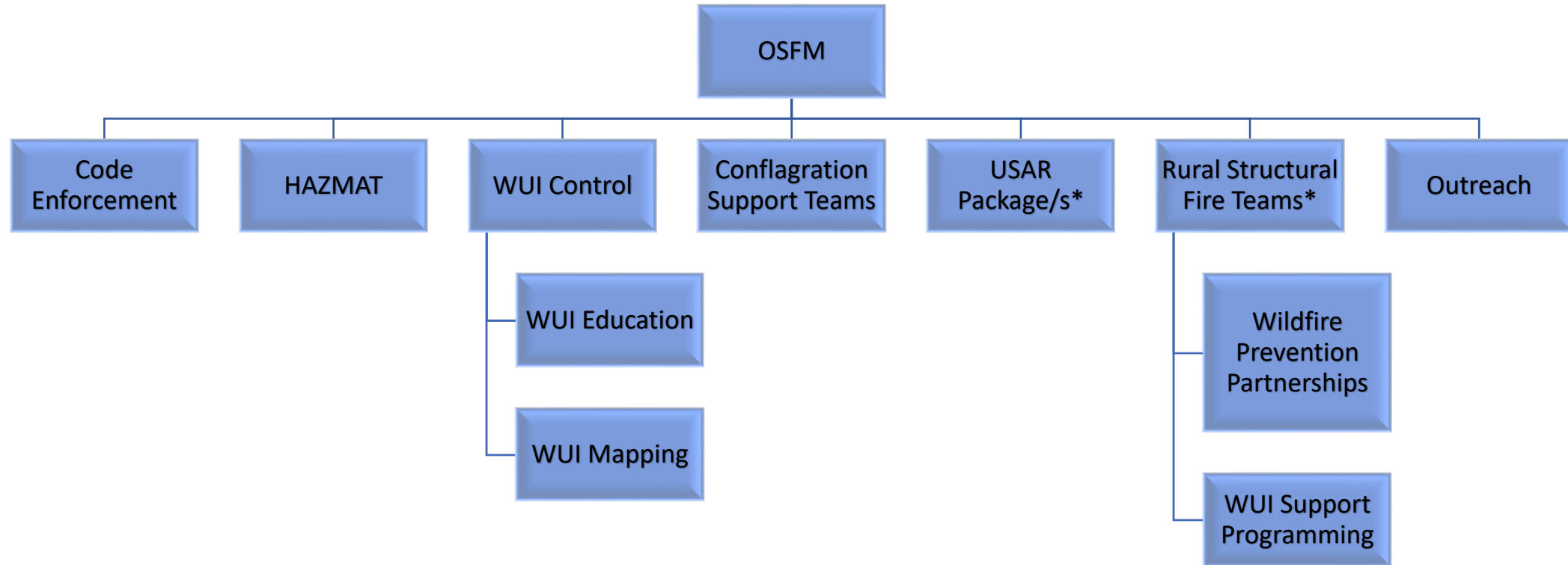
OEM Government Advisory Council: Members from at least AOC, LOC, EMS, Fire & Rescue, OEMA, Sheriffs, and Volunteer EMS Community, Tribes, and 3 citizens-at-large



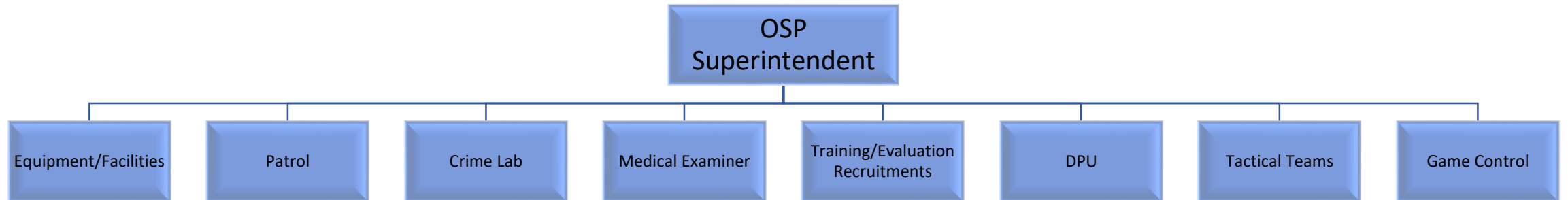
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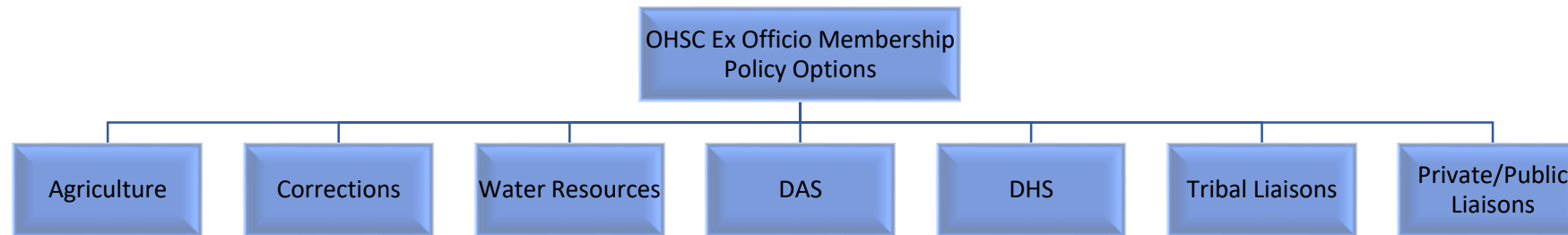
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Explored Questions/Determinations:

- SAR/USAR maintain separate functionality *
- All “Emergency Declarations” through the Governor’s Office (including OHA)*
 - Note: OHA will not likely favor the simplification of disasters process, but appears open to it providing “Health Emergencies” are declared through Governor’s Office (not OMD/OEM) which is AS intended (OEM is facilitator/support – not an obstacle)
- EMS Policy work (specifically including ambulance stakeholders); OHA Report to 2023 Legislature with comprehensive recommendations
- Bipartisan support for “Policy 1st, Funding next” framework passed out of committee in 2020
 - Implementation should be phased in over Biennium
 - Some increase in staff/support for optimization
 - Very little near-term costs because of existing funding streams *
- Alignment of “end-game functions” consistent with Governor’s requests (Fire Council)
 - Provides enhanced wildfire prevention/response capacities
 - Provides counties with enhanced all-hazards emergency preparedness tools

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Open Questions for Future Work:

- OHSC Membership: Formal, Informal membership
- Workers Compensation programming for partner organizations during Governor-declared Disasters/Emergencies*
- TITAN Fusion Center
- Dimensions of Advisory Boards: EPAC, OEM Advisory Council
- Staffing for New Capabilities
- Adjustments of existing funding streams for 21st Century requirements
- Optimal Reform Implementation horizon/timeline
- Credentialing “home” for volunteers and non-mandatory responders

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Notional Milestones:

- July 2021 Specific Structural/Systemic Reforms outlined
 - Initial staff/structure/system changes
 - Adjustments for anticipated challenges identified
 - Authorities for transition
 - “Overhead” programming established: Finance, HR, supervisory roles, etc.
 - Legislative “Fixes” prepared for 2022 Session
- July 2021 New Structure established in statute
 - Final language outlining form and function – OHSC, EPAC, and OEM Advisory Board populated
 - Permissions enabled through statute (directors provided authorities for changes)
 - Stakeholders engagement/investment in new vision
- July 2022 New framework operational
 - Budget transitions
 - Equipment/resources/staffing adjustments

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