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**HOUSE OF REPRESENTATIVES**

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House Committee on Veterans and Emergency Preparedness  
Oregon House of Representatives  
Oregon State Capitol  
900 Court Street NE  
Salem, Oregon 97301

Dear Colleagues:

House Bill 4041 (HB 4041) with the -1 Amendment reflects a widespread majority of support among the emergency preparedness/resiliency stakeholder groups that participated in the Interim Workgroup on Oregon Emergency Management Structures and Systems formed at the close of the 2019 Legislative Session. The -1 Amendments offer specific adjustments to the baseline bill that shall be addressed on a “point-by-point” basis during the formal presentation of the measure. As drafted, the measure appears imposing – well over a hundred pages – because of the scope of the organizations involved. The essential elements of the legislation provide four strategic improvements to the system. 1) Enhanced core mission focus without loss of sound policy coordination; 2) Acceleration of statewide “all-hazards” resilience efforts and alignment of critical investments; 3) Increased “parity” between immediate and future term requirements in formal statewide emergency services delivery policy development; and 4) Expanding the “voice” of local, regional, and tribal emergency service providers within statewide policy development and implementation.

The following memorandum outlines what the workgroup identified as the problem/s inherent to the status quo, features of the intended solutions, and a brief explanation of why change is needed sooner than later. It provides background from conversations over the past six years throughout the Emergency Management community. It also seeks to explain how the changes embedded within HB 4041 supplement and support the Governor’s Resiliency 2025 Strategy.

The Problem

The existing statewide structure and systems of emergency management function at a less than optimal level of success: this is not the fault of any person or organization. It exists because of inherent embedded conflicts that cannot likely be resolved absent change. It is important to emphasize an important truth – the ability of our emergency management professionals to operate under the current structure and systems should be recognized as a testament to their shared commitment to the critical duty of keeping our state safe and secure. That said, the structural alignment that may have made sense in the past is not tailored for the 21st Century and our fiscal realities.

Inherent to the Governor’s Resiliency 2025 Strategy for improving our readiness for the catastrophic disasters that we know shall come (at some point), we must remember the ancient wisdom of “building our houses upon a firm rock, not sand.” We need a structure, and the systems supporting that structure, that reflects the respective “first-responder culture” of local, regional, and tribal emergency services delivery. We need to recognize that some of the choices made in the past regarding organizational structure were somewhat arbitrary and capricious. Finally, we need to understand that the need to change is not grounded in any personal, political, or policy “change for its own sake” approach. It is the result of a thoughtful discussion that has taken place over many years; it is the product of an earnest effort to optimize constrained resources in a time of significant dynamic shifts in the scale, scope, and size of disasters we shall likely face in the near-term.

The following factors have been identified as obstacles to optimization: 1) competing “cultures” within the Oregon Military Department (OMD) Office of Emergency Management (OEM) approach to emergency planning, response, and recovery and local, regional, and tribal perspectives; 2) organizational alignment out of synch with “span of control” norms within emergency services delivery; and 3) a lack of stakeholder enthusiasm for enterprise-level funding for statewide preparedness programming, rooted in widespread concern over recent administration of federal resources and an enduring mistrust of legacy bureaucratic norms.

### Competing Cultures

The “civilian-military” relationship is more than function; it pervades strategic, operational, and tactical collaboration, communication, and coordination. Militaries are hierarchal by nature; emergency response is, by definition, “bottom-up” with the on-scene commander at the center of the process. This is a critical piece of the challenges facing the existing structure and systems related to our statewide readiness posture. Despite many attempts at expanding the role of local, regional, and tribal emergency service providers involvement in policy development at OEM, there is a constant: all/any initiative is subject to a final decision by The Adjutant General (TAG). Fair or unfair, this ability of the TAG to direct OEM equipment, personnel, policies, and resources has left an impact across the stakeholder community.

Note1: unlike nearly every other large state agency, the TAG is not subject to Senate confirmation. And, unlike many states, the Director of statewide emergency management is not a Governor appointed position. This reality has led to a disconnect largely unrecognized beyond the stakeholder community.

### Span of Control

Since the Office of the Oregon State Fire Marshal (OSFM) was placed within the Department of the Oregon State Police (OSP), the relationship has functioned reasonably well (given the historical and functional differences between the firefighting and law enforcement perspectives). However, two specific changes threaten the ability of OSP to maintain a responsible degree of “span of control” among the broad spectrum of functionality: 1) the need for a massive increase in forward fielded troopers, and 2) the increasing complexity of wildfire prevention and response. OSP must bring nearly four hundred new troops online to get back to a 1980s level of service. OSFM must expand its capacities to meet the growing ferocity and frequency of catastrophic fires. The existing OPS structure will make those twin objectives increasingly challenging at core mission priorities are competing for scarce resources of organizational support and time.

OMD is also experiencing a “span of control” challenge. It has become increasingly difficult for the Oregon National Guard to maintain its dual responsibilities for federal as well as state duties. After nineteen years of continuing military operations overseas in support of the Wars on Terror – the organization struggles to secure force staffing requirements. Changes of US Air Force policy regarding F-15 training and US Army force structure require a significant amount of organizational focus; it is believed by many that the agency has a full-plate and cannot enhance and/or expand statewide emergency management preparedness, response, and recovery programming at the levels emergent realities demand.

### Stakeholder Enthusiasm

Despite a broad consensus on the critical need for an interoperable, robust statewide emergency management structure and system, there is a general lack of enthusiasm for the “grow from within OMD” investment of the scale, scope, and size emergent realities demand. This unease is the result of past and present frustrations with the status quo. Advocacy documents suggest that recent failures of management of federal resources by OMD/OEM linger in the minds of local, regional, and tribal emergency services delivery leaders. Even the successful new State Preparation and Incident Response Equipment list (SPIRE) grant frustrated some of the potential beneficiaries because of the lack of clear, consistent guidance. That program is now much improved, but the process itself rekindled frustrations past among the stakeholders. There is a belief, among many, that OMD is – and must be – primarily focused upon military issues unrelated to civilian emergency management priorities. Few, if any, within the community believe that is inappropriate; they think that OMD should be “freed” of the OEM burdens. The trust deficit within the first-responder community is not talked about a lot, but it real – and it impacts overall resilience efforts.

## The Solution

### Core Mission Focus

HB 4041 emphasizes a “core mission focus” for agencies responsible for emergency services delivery. The measure realigns primary mission emphasis and should resolve at least most of the existing internal agency conflicts. Simplicity in design is not always required but given the expanding nature of the emergency services delivery environment – it warrants our attention. The measure seeks to balance the need for centralized command with decentralized control; the reorganized “Oregon Homeland Security Council (OHSC),” facilitated by the Governor’s Senior Public Safety Advisor will coordinate agencies as they implement core mission functions. In a similar fashion to the Oregon Higher Education Coordinating Commission (HECC), the OHSC can ensure alignment between gubernatorial priorities and the assigned responsibilities of the agencies.

### Acceleration of statewide “All-Hazards” Resilience

HB 4041 establishes the Oregon Emergency Preparedness Advisory Council (EPAC) to provide the Governor, through the State Resilience Officer, advice and support for statewide “all-hazards” resilience policy. Most states have this function, and it serves them well. The EPAC would serve a dual mission: providing timely input on the alignment of investments to improve future resilience posture as well as providing a targeted communications role to the greater emergency management community. In other states, these advisory councils often serve as “cheerleaders” for necessary investments in equipment, personnel, and resources. It is envisioned that this new advisory function will help accelerate statewide resilience through expanding the reach of the State Resilience Office.

### Increased Parity between Near and Far-term Requirements

HB 4041 seeks to provide “structural parity” for near-term and far-term requirements. Reorganizing the function of the OHSC and establishing the EPAC will give the Governor’s Senior Policy Advisors enhanced capacities for providing the Governor with critical information; it will also ensure the Governor’s priorities are implemented in a timely fashion – with stakeholder support. There is a growing recognition throughout the existing emergency management community that the State of Oregon is improving overall resilience posture in fits and starts – often one geographical region at a time – rather than as a systemic effort. The Metropolitan Area, Redmond, and a few coastal communities are far ahead of most other areas. Absent parity for a statewide “futures” agenda this difference is likely to continue. And we simply do not have the luxury of time: we need a sparkplug to ignite the conversation regarding future investments aligned with the statutory responsibilities of our emergency services delivery agencies.

### Expanding the Voice of Local, Regional, and Tribal emergency service providers

HB 4041 establishes an independent Emergency Management department as well as an advisory committee to the director comprised of local, regional, and tribal emergency services delivery leaders. This step ensures mandatory communication with the first-responder community. Despite the improvements made in coordination with stakeholders throughout the state, it is believed a structural requirement for sustained collaboration, communication, and coordination is needed to “lock-in” the voice of the folks “in the field.” It is envisioned that this new advisory function can help facilitate greater alignment between statewide priorities and local, regional, and tribal efforts: it could also provide the department with improved capacities for partnering on interregional non-profit, private, and public programming.

## Why Now?

### Governor’s Wildfire Council Investments Alignment

The Governor’s Council of Wildfire Response made a series of recommendations for near-term action. Several of the key recommendations are included in legislation before the 2020 Legislative Session. Given the nature of these investments of equipment, personnel, and resources – it makes rational sense to ensure the underlying structures and systems align in a manner that will best support these initiatives. We know from recent federal and state audits the existing OEM relationship is not optimal. Despite the earnest efforts of all involved, there is only so much that can be done when seeking to “grow” beyond legacy thinking. Many emergency services stakeholders openly doubt the ability of OMD to execute the recommendations effectively; the trust deficit is an obstacle that may well constrain potential progress on issues that

would otherwise enjoy broad, if not unanimous, support.

Note2: stakeholders involved in the development of HB 4041 shared information with colleagues serving on the Wildland Council. Relevant issues were included in the decisions surrounding structure and systems. There are no identifiable conflicts between HB 4041 in terms of intended outcomes (or priorities) included in the final report of the council.

#### The Foundation Matters

Public organizational history suggests that it is always better to put a firm foundation into place before building new programs. Add-ons are often the genesis of internal organizational strife and unintended consequences. This has been a constant: the recent experience implementing the SPIRE grant program demonstrated the friction costs associated with bringing a single new program online. The recommendations from the Wildfire Council will require a much higher focus on success. If we ensure a firm foundation – the 2021-2023 Governor’s Recommended Budget (GRB) process would be informed with the clarity of near-term and far-term policy objectives as well as the mechanisms to achieve those objectives over time. If passed into law during the 2020 Legislative Session, the GRB would be crafted with a full biennium of time for an effective transition: a phased-in approach would provide decision-makers at all levels with space and time for a thoughtful outcome. Otherwise, delayed action could well move us into another full cycle before significant structural changes could be feasible: likely after organizational behaviors, culture, and norms have developed within a legacy agency design.

#### Potentially Available “One-time” Spending

HB 4041 reorganizes the statewide emergency management/emergency services delivery ecosystem. All such efforts require a price in talent, time, and treasure. It is a reality that cannot easily be absorbed during the middle of a biennium. However, given the potential for one-time spending opportunities during the remainder of the 2019-2021 budget – there may be resources available now that may not be as available in the future. HB 4041 should yield significant long-term benefits as well as potential “savings” from efficiencies gained, but this year may provide the additional “boost” needed to ensure a successful transition. HB 4041 clarifies the respective “lanes” of critical emergency service delivery; it should reduce the internal bureaucratic friction that too often frustrates add-on mission requirements. The workgroup recognized the optimal timing for a thoughtful transition and identified the potential of one-time funding as a helpful tool if such funds were, in fact, available. Whatever the case, HB 4041 was drafted to simplify the command and control process. It would, if passed, provide the Governor and her team with a more agile, flexible, focused emergency management complex.

#### Conclusion

Thank you for reviewing this memorandum. I hope it helps outline the major themes the workgroup identified: the problem, four features of this solution (HB 4041), and an explanation of why we believe these changes are needed sooner than later – before investments are poured into legacy structures and systems. Please let me know if you have any specific questions or require additional information.

Respectfully,



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CC: Speaker Tina Kotek  
Deputy Director Dave Stuckey  
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