

EMERGENCY MANAGEMENT ADVISORY GROUP (EMAG)

MINUTES

THURSDAY, AUGUST 22, 2019 ~ CAMP MURRAY ~ 9:00 AM TO 12:15 PM

Meeting called to order by Robert Ezelle Director of Washington State Emergency Management
Division at 9:00 AM

In Attendance – Introduction of Attendees

Scanned sign in sheet following minutes. "*" = Phone participant

Members

- | | | | |
|--|--|---|--|
| <input checked="" type="checkbox"/> Christopher Alexander* | <input checked="" type="checkbox"/> Jason Biermann | <input checked="" type="checkbox"/> JoAnn Boggs | <input checked="" type="checkbox"/> Eric Brooks* |
| <input checked="" type="checkbox"/> Brendan Cowan | <input checked="" type="checkbox"/> Deanna Davis | <input type="checkbox"/> Sandi Duffey | <input checked="" type="checkbox"/> Robert Ezelle |
| <input type="checkbox"/> Jody Ferguson | <input checked="" type="checkbox"/> Chandra Fox | <input type="checkbox"/> Barb Graff | <input checked="" type="checkbox"/> Pattijean Hooper |
| <input type="checkbox"/> Gary Jenkins | <input checked="" type="checkbox"/> Scott Johnson | <input checked="" type="checkbox"/> Brendan McCluskey | <input checked="" type="checkbox"/> Jason Marquiss |
| <input type="checkbox"/> Scott McDougall | <input checked="" type="checkbox"/> Jay Weise* | <input checked="" type="checkbox"/> Ute Scofield | |

Guests

Laurel Nelson, Seattle DEM

Kurt Hardin, Thurston County DEM

Amy Gillespie, Pierce County DEM

Supporting Staff

- | | | | |
|---|--|---|--|
| <input checked="" type="checkbox"/> Alysha Kaplan | <input checked="" type="checkbox"/> Tirzah Kincheloe | <input type="checkbox"/> Kim Mask | <input checked="" type="checkbox"/> Sierra Wardell |
| <input checked="" type="checkbox"/> Nicole Mock | <input type="checkbox"/> Gail Cram | <input type="checkbox"/> Kathryn Zetzer | <input type="checkbox"/> Serena Segura |
| <input checked="" type="checkbox"/> Nancy Bickford* | | | |

Call to Order/Introductions/Opening Comments

Robert Ezelle

Chair began meeting by giving an overview of the work that had been done, and the steps taken to prepare for the meeting and state. This included soliciting comments through a series of listening sessions and individual dialogue with stakeholders.

He added that the purpose of meeting is to share information received from the solicitation, as well as internal analysis of the proposals. During the meeting, EMAG will go through the recommendations and refine as needed. As well as clarify any pros and cons or outcomes noted. Once all the information is reviewed, EMD will make a decision based off the information.

He concluded his remarks by stating that if time allows, EMAG will look at charter and membership for housekeeping.

Meeting Minutes:

Approval of May 17 minutes.

Jason Biermann requested correction of his comments on page 5 to read “some parts of the community are looking for standardized credentialing” for clarity.

Chandra Fox motioned to approve May minutes as amended, second by JoAnn Boggs. Motion passed unanimously.

WAC 118-09-040**Jason Marquiss**

Deputy Director Marquiss started the discussion by summarizing that in May members agreed to solicit input from their constituents as part of the stakeholder engagement. He opened floor for any comments regarding those discussions.

Brendan M. noted that there were written comments from counties and cities that were not included in summary. Jason M. explained the all comments were consolidated and like comments are only included once on the summary sheet. He confirmed that EMD has maintained all memos & comments submitted and they are recorded. No other members had additional information to add.

Jason M. began the review of consolidated comments documents by explaining the process order and that the impacts noted were determined by Sierra and Tirzah. He added that in some cases the impacts are subjective and would rely on seeing the recommendation initiated to determine if that impact would be realized.

1. Allocation Methods

Comment 1.1 – Per capita (current) allocation works

Jason allowed everyone to review the impacts noted and solicited comments to, or additions of, pros and cons.

Regarding the second impact listed, Kurt Hardin stated that he did not believe that leaving as is would provide a reasonable certainty to allocation amount as it is all contingent upon the State’s retainment. If they State retains more, their allocations would decrease. In response Jason proposed editing the impact to include “unless allocation changed by state”. It was agreed this would address the concern.

Jason B. stated that one issue when reviewing allocation is that EMAG members do not have an idea of the State targets for outcomes with its allocation. While each sub-recipient is required to submit a detailed plan to EMD, there is no transparency the other direction.

Jason M. inquired if transparency would change how allocations should be made. Kurt (?) responded that could change how local jurisdictions invest their funding. He used the state-wide alert and warning system as an example; stating that as there was already funding by the state for an alert system, local jurisdictions could decrease the amount of money they spend for a local notification system.

Amy stated that the expectation of sub-recipients to be detailed in their applications would lead to the assumption that EMD is to. Jason and Sierra both confirmed that EMD is; and in fact, the state includes more detail in the overall application than what is requested from sub-recipients.

Jason M agreed that documentation is needed to ensure the use of funds are in-line with work plans, but that it is a separate topic from allocation methodology. Amy stated however, that allocations must align to core capability and if someone is not meeting that requirement, it should impact their allocation.

Jason added that the state OFM and AAG are increasingly tracking that the state and sub-recipients are meeting their requirements and that the state is checked through FEMA.

Kurt reiterated that what the state is spending money on would be useful for local jurisdictions as it would reduce duplication of effort. Returning to the state-wide notification system, he stated that if counties had known the state was also spending EMPG funds on a system, money could've been saved by the counties not duplicating efforts.

Jason M. agreed but referred the discussion to a different meeting regarding the allocation process as he's unsure the issue is worthy of being codified in the WAC, and the current meeting needs to be focused on WAC issues. He reminded the group that the more requirements placed into the WAC, the more restrictive our options are, and the more requirements of everyone.

Alysha suggested that for the sake of transparency, and returning the focus to the WAC, EMD share the State's application with local jurisdictions. The application is not confidential, but no one had asked for it before.

The group agreed that EMD should share the state-wide EMPG application with local jurisdictions, to include cities and tribes.

The Director reiterated that philosophically the state does not disagree that they should be held to the same standards as the sub-recipients. The question is how to maintain transparency and accountability and whether the answer belongs in the WAC.

Jason M. inquired if there were any more comments on suggestion 1.1, of which there was none.

Comment 1.2 – Edit Language to Include 38% cap on EMD retainment.

Regarding the first impact, Ute stated that a federal decrease would reduce all awards and not just EMD, regardless of a percentage cap.

Kurt stated that the proposed cap was not necessarily directed at current leadership, but out of concern in the future. There is no guarantee that the next Director will not look to EMPG as a way to fill a budget gap. A reduction in federal funding levels, followed by an increase in state retainment would have a double impact on local jurisdictions. By capping percentages, a reduction in federal award would be felt by everyone, which is the intent of the cap. It could also compel the state to provide a "plus-up" to EMD as previously done. Local jurisdictions are already feeling some pressure as the EMPG award amounts haven't increased along with costs.

The Director noted that EMD has been steadily losing ground with legislation since the plus-up for the same reasons as the local jurisdictions. Alysha added that the plus-up was to cover a gap already incurred with pay raises. Since then, the state has been steadily granted pay raises which must still be covered for federally funded staff, even though the amounts of the grants do not increase.

Brendan C commended Tirzah and Sierra for their summary of the local input. He highlighted that he would like to also hear their input, as the ones who handle EMPG, on ways to improve the process.

Jason M mentioned that some of their views will come out during current discussions. They spent a lot of time going over each one developing the pros and cons. It is important that everyone understand the pros and cons

individually, and then looking at compounding issues. He added the process has been beneficial for EMD by learning what other states do and their methodologies. According to the NEMA 2018 report, approximately 29 of states have a minimum award based on per capita. Others have performance-based awards. Washington has lenient requirements for EMPG when compared to some other states. Although not the direction Washington wants to take, some states have very strict eligibility criteria. EMD has received a lot of perspective from looking at different states.

Cities have raised concerns about losing EMPG, but research indicates that capping SAA %s is not a best practice.

Returning to the pros/cons, Kurt asked how a percentage cap would affect the ability to provide services. The proposed percentage cap is the same as the current percentages and the flexibility within that percentage remains.

Jason M reiterated that some of the pros and cons are subjective analysis. The impacts reflect not only changes in EMD leadership, but also OFM, who would be fine with EMD retaining more federal funding. Some agencies are 80%+ federally funded. That way, OFM can move more state resources to other agencies. If EMD were to see a decrease in state funding, and be capped for EMPG, it could affect their ability to provide services.

The Director interjected that there has not been a single discussion regarding shifting costs from state funds to EMPG.

Jason B. Added that the local jurisdictions are also capped. In some instances, they are double capped because of per capita allocations and amount of available funds.

Jason M asked that the group think about next director. Caps are not best practice at the state level. While it doesn't mean Washington shouldn't change it, most states do not mention a cap in any of their documents.

Alysha inquired if a cap wouldn't be better suited in the Charter versus the WAC.

Sierra agreed that the EMAG should consider what should be included in the WAC versus what could be included the Charter. The Charter can be updated at any time, but whatever is included in the WAC must be adhered to.

Jason B stated that the local jurisdictions he has spoken to throughout the country unanimously want caps on the state. Transparency wise, Washington is in a much better state than some other states. Some locals he's spoken with are not even aware of the pass-through rates, they just know the money they get. Some locals don't realize they only get 35% of their state's allocation.

Kurt mentioned that he would like to see the return of local EMPG funding addressed through the process. No one wants money to be returned to FEMA. Returned local money should be offered to other jurisdictions who may have shovel ready projects. If the money cannot be used, then the Director should make a decision on the use of the funds.

Amy asked for process clarification and inquired what EMD was hoping to achieve at the end of the meeting today. Jason M stated that the plan was to review each idea with the EMAG to determine if there were any clarifications of suggestions given, or if any impacts were missing. The staff will then do recalculations of the impacts and discuss with the Director. Based on the information provided, if the Director chooses to alter the

WAC, EMD will prepare the package for the TAG and Governor. He then clarified the administrative requirements for a WAC change will still be in place and provided a summary. Nancy added that it is about a 6-month process, minimum.

Jason M added that based on the progress made during the meeting, the EMAG could hold a vote on the recommendations, which would get to a series of recommendations to move forward on. EMD would still owe the Director work before he can make the final decision on if the WAC needs to be changed, and what changes to make. He added that based on the various comments, he was not sure there will be a way to leave the discussion with one single best recommendation.

Chandra stated that it appears to be an intent to change the WAC based on the recommendations being reviewed.

Robert clarified that reviewing the suggestions is part of determining if there needs to be a change and if so, then start going through the process of changing. Jason M added that EMD is trying to be as transparent as possible in the review process. Maybe we need to make other changes first. Under no obligation to make changes to the WAC as a community. Nancy added that the WAC specifically says Director will consult with the group to review allocation method every 5 years and doesn't imply anything more than that.

Kurt noted that the review also covers sub-bullets 1-4 that states that EMD shall consult EMAG regarding state percentage retained, M&A Costs, and allocations.

Jason M noted that it could, but not necessarily. If EMD were to decide to drop their percentage and give it to local cities, per the WAC, they would have to consult with EMAG. The Base requirement is only to review the WAC every 5-years.

Returning to the recommendation, Jason B stated that during the feedback ask, the NEMA report stated the average local aggregate was 19.8% but the State was at 40% and we should look at narrowing that gap. Maybe there is a point where the EMAG limits everyone how much of your overall funding can be EMPG.

Jason M noted that while that is a point to understand, the decision makers above EMD are not worried about percentages of overall budget. They would prefer we have a higher percentage of the budget federally funded. EMD previously tried to shift funding to more state funds and were not successful. Two years ago, a supplemental budget was received because we were able to show we would lose 15 staff members due to a shortfall. Other entities may be able to push the idea from their perspective.

Chris stated that from the small cities whatever money goes to EMD appears to fund bureaucracy. They don't see impact at local level. Maybe part of is marketing and public relations on what EMD is doing with the money and what the locals gain. Having cap seems to be beneficial to keep the State from shifting funding to federal. Maybe a WAC change will stop the desire. He also agrees on 2nd bullet that there should be a mechanism to reallocate funds, so we don't lose it.

Jason M inquired if there were any more comments. There were none.

Comment 1.3 – Model similar to E911 where sub-grantees are counties

Jason provided an overview of the recommendation and impacts and gave time for people to review.

Scott Johnson commented that he could see the positive impact with the reduction of duplication of effort. There is also a potential to increase efficiencies by scale. Some cities have robust programs, but that doesn't negate county responsibility and the tax structure gives cities more flexibility for revenue. In cases like CRESA where most of the residents are in unincorporated areas, the ability to make money is restricted. It can be looked at as either additional workload, or opportunity to be collaborative. He sees it as part of the larger discussion of how to create a uniform EM so that the quality of service is the same regardless of where you live.

Ute stated that Tacoma would not go for that as the loss in funding would mean loss of position and 2 people doing everything. While she understands the idea of pooled resources, there are still city laws that must be followed. EMPG is one of the few grants the city qualifies for on a stand-alone basis. Sometimes they don't have the time to present their case to the county or a city doesn't have a seat at the table.

Scott added that sometimes a city's program can be large enough where taking EMPG funds doesn't affect the county, but for some smaller cities it does. If his largest city were to pull out of their mutual services agreement, he would lose three positions. The city would not gain the capacity of the three positions he lost. When something happens, they will still turn to the county for assistance, but he will now not have the capacity.

Jason B stated that he has been observing the conversation for many years. It is not only about money, but about process and operations within emergency management. The splintering is a problem at some levels, and for others it is not. Need to look clearly at the problem 1.3 is trying to address. He added that he would hate to see EMPG be rocket fuel for the splintering. And inquired if there was a way to manage it, possibly some sort of population threshold.

Laurel Nelson noted that Seattle's population is larger than most the counties/HLS regions and they activate more than King County. She added that at the same time, collaboration between the two is great and they share resources and capabilities. She's not necessarily sure it is a fix that needs to be done. She can see some counties' views, but EMPG helps with their size and capabilities. She would also be concerned with the county having the capacity to take on sub-recipient monitoring and if they would also take a 5% M&A fee. There are other ways to fix collaboration without going down EMPG path.

Kurt noted that E911 and EMPG are apples and oranges. He recommended taking specific reference to E911, because all but King County have only one PSAP.

Kurt Noted that there is a 50,000-population threshold for opting out of county-wide EMS and the threshold is a possible starting point to look at. The concern of counties is an inefficient approach.

Alysha, playing "devil's advocate" discussed having worked with a lot of cities, and it's tough for someone else to be the arbitrator of whether a city's program is viable. Some cities would say that the county does not have a say. While she understands both sides, it is a larger conversation among counties and cities than the EMAG representatives.

It was noted EMAG was developed to be representatives of both. Responsibilities of EMD to make sure city representatives are active participants and soliciting feedback.

Jason M agreed and added EMD has received a lot of city feedback. Even their association is involved in the solicitation of comments.

Ute noted she frequently gets phone calls from other cities soliciting advice on how to set up their own program and the amount of EMPG funds available is not going to provide everything. She inquired if applicants should have to show that everything is ready in place before they get money. She likened it to EMAP where you make sure you have everything in place before applying for certification.

Brendan stated that from a small city perspective, “you have to start somewhere”. He further doesn’t think it would be possible to remove all funding to cities but agreed there may be a way to fine tune the process going forward. He noted an evaluation factor would be very complicated, especially for EMD. EMAP is a one size fits all standard that doesn’t work well for smaller cities and counties. The issue is very nuanced, and he doesn’t think there will be a black and white answer.

Chris Alexander noted that counties are in the best place to evaluate if the cities’ programs are self-supporting. He suggested to grandfather current cities and new ones must go through county. This would allow the community to work their way into county-wide coordination.

Comment 1.4 – Directing Portion of EMD Percentage to small local and tribal EMOs.

Brendan C stated 1.4 does a good job of capturing his previous email and suggested rolling it into 1.5. No other comments.

At 10:15, the meeting broke for 10 minutes.

At 10:25, the meeting resumed.

Comment 1.5 – Changes to Allocation, Minimum Awards, and Eligibility Requirements.

Jason provided an overview of the proposal and time to review both the proposed changes and impacts.

Brendan C stated that with this recommendation he was trying to start discussions. Some of the ideas within it came out of talks with tribes and smaller counties. He didn’t think all are the best approach or should be final, but they are discussion starters over the concerns of EMPG. There is currently a lot of splintering and money going to programs that aren’t functioning. Base allocations are good starting point but will likely not be enough to build a small program. Tribes are consistently shorted on the EMPG front and not represented at EMAG. He does strongly recommend the .5 FTE position requirement require a standalone job description clearly stating the emergency management duties the employee performs 20 hours a week. Based on his discussions with others, He doesn’t think meeting the proposed match requirement would be an issue, but reward could be reduced proportionately if it was. He believes any jurisdiction, other than EMD, receiving a cut in funds would be a non-starter so EMD would need to take the cut in order to increase funding to smaller counties and tribes.

Kurt Hardin mentioned that the group is talking about building capacity and providing more support. While he doesn’t support huge reductions to existing programs, it is a bit presumptuous for the group to say the state can take a deduction, but they can’t. Everyone should “feel the pain”. Will we build capacity with the changes? What if we encouraged this approach, but with a regional approach allowing 2-3 jurisdictions to join together on applications?

Brendan C clarified that there is capacity building in requirement for .5 FTE emergency manager. There is a benefit in regionalization for a lot of areas, but every jurisdiction with an EM program should have an .5

person minimum. He has assisted a number of jurisdictions in their SEOCs. Sometimes people are doing multiple other “day jobs”. EMAG should use EMPG to steer jurisdictions to have an EM.

JoAnn Boggs stated that she has previously discussed with Robert that the amount for small counties needs to be increased. Pend Oreille lost half of their money with the new funding allocations. While they have a good program, some county programs aren't as well supported. The allotment may not need to be the previous \$36,000 but enough to put towards the .5 FTE. Determination of a viable program will be seen in match. If counties can't match for the full allotment, then it should be reduced accordingly. She recognizes it would be a lot on the State to monitor but putting in place requirements to have program and plans in place would ensure a real EM program is in place. For small counties with a program, \$18,000 isn't a lot but it's still required to do all the work. Even if it doesn't make a difference in the total budget.

Pattijean added that some very small cities have employees with multiple job titles. They will come to meetings asking what their function is. The community needs a checklist about what it means to be an Emergency Manager and what a program needs to do. She added that everybody to feel the pinch if we are going to do something with allotment. EMPG will not build capacity but it will help maintain what is there. She added that if the community doesn't look at sustainable funding outside of EMPG, all of us are depending on something that does not have the structure or capacity to build capacity.

The Director advised that the current base was established to allow a reasonable amount of money to hire .5 FTE based on funding and match. Sometimes we do see people with multiple jobs, but the match is there. EMD does not however, require job descriptions identifying 20 hours EM work.

Laurel noted that EMPG funding has always been intended to be supplemental. Cities are assuming that the pot of money is there for the taking and don't understand it is meant to be supplemental. Another city's recent application was the direct result of misunderstanding of program and they withdrew once they learned what the program is. Supplemental must be reflective in language about the program

Jason B suggested that possibly a percentage cap on how much EMPG funds the program would clarify it's not intended to fund the entire program. Maybe a cap on how much EMPG can fund programs for everyone which would slightly replace the match requirements. It would be a way of saying we are not putting a cap on just one entity and that everyone can take whatever they can match. It would also require most investment in the program at the local level.

Kurt noted that there are some areas with strong local programs, but some areas where they can use help. He personally, and not in his official role, would be ok with a reduction if it was tied to a larger regional amount.

Jason B. You could dice 50/50 and hire a person who has no budget to do anything but putting a cap on the program requires more skin from a program.

Scott noted if you put in that program must be funded up to 61%, you are putting the idea into lawmakers minds of the quality of the program a jurisdiction should have based on population as a bare minimum. The community would be starting to put the idea of uniform capacity across the state in place. The required investment and wording would change prospective of some lawmakers.

Jason M asked if there were any comments on the specific items listed in 1.5

Ute noted that she is not pro or against the idea of taking 5% from EMD and spreading amongst the recipients. However, instead of just taking away, she would like to see what she is receiving from EMD for her portion of the 5%. What is the EMD staff doing for Tacoma that saves her from having to hire someone.

Jason M noted that 59% of EMD's staff are paid from restricted fund sources. These sources limit what the staff can do, and they cannot perform anything outside of those related tasks. When looking at flexible funding, including EMPG, only 41% of the staff are covered. Most of those staff support the Geohazards, Outreach, Planning, Training, and Exercise programs.

Alysha added that prior to the previously mentioned "plus-up" they did a cut drill and looked at what programs could be cut while still meeting state obligations. Although she had offered her position initially, with the consolidation of managers, that would not be possible as it would leave EMD incapable of fully staffing the EOC during a disaster: The positions identified to be cut were Outreach, all but one position in Geohazards, as well as staff from Planning and Exercise.

Jason M. noted a risk analysis would be done on each position to ensure EMD would still be able to meet obligations. The local EM programs are not EMD's only customers and they must be able to meet state obligations and regulatory requirements as well.

The Director added that EMD currently runs 31 programs. In addition to some having dedicated fund sources, approximately 21 of those programs only have one or two staff members. When accounting for restricted fund sources and regulatory obligations, the state has about 14 positions that can be subject to a reduction.

Alysha noted that there appears to be a high level of anxiety among the group that the State is planning to take a higher percent of EMPG and that is not being discussed.

Kurt noted it was previously discussed in 2009. All that is needed is a down-turn in the economy and the pressure will be there again. He doesn't have faith there won't be a change in EMPG allocation at some point in the future.

Brendan C added that it also comes from a sense that EMD has several extremely high priority operational needs that it is not getting funding from the State for.

The Director noted that EMD is not looking to take the money from local's EMPG or local's grants. They are just identifying the funding loss as possible risk that has not been addressed.

Jason M added that anytime "covering" of funds from other sources has been mentioned, once the state understands it will have an impact on counties, the idea is pulled back immediately. The accepted solution is to either cut state staff or find the money. He then returned focus to the specific impacts of 1.5.

Returning to 1.5, Brendan C noted that some impacts are easily addressed. Although an increase in tribal funding is proposed, if the tribes do not request it, it will not be allocated.

Sierra noted there are certain tribes that rely on awards for sustainment. Jason M. added that out of 4 sub-recipients that draw indirect, half are tribes. He added that the fact doesn't influence whether they should get the award.

Jason M. inquired if there were any more comments on 1.5. There were none.

Comment 1.6 - Look at Impact of Risk in Areas for Funding.

Jason provided an overview of the proposal and time to review both the proposed changes and impacts. In his overview he stated that the NEMA report mentions distribution factors and one is hazards/risks. However, he cannot find a state with a specific formula. It appears to be subjective based on the state's determination. It is a viable factor, but determining how to incorporate would be a hard process

Alysha mentioned that FEMA is looking to institute a similar idea for states to receive funding and we will need to factor in how they categorize risk and capabilities for disaster response.

Jason M. agreed that EMD is receiving clear indications from FEMA that funding is moving towards being based on return on investment, high capability, and building and sustaining core capabilities. The State will have to show how grants are being used effectively.

JoAnn noted that a Pend Oreille dam provides 56% of power to Seattle. The failure of the dam has risks greater than the county.

While it was noted that some people may over-state their risks to receive more funding; overall the group agreed it was an intriguing idea. Based on the complexities involved, it was better suited for a later discussion. The group agreed that before the next 5-year review they would come back to the topic. Possible research resources included statistical studies and the insurance industry.

It was agreed it will be a future topic of discussion but does not need to be part of the current discussion.

Comment 1.7 - Current Methodology Encourages Splintering

Jason M noted that the group had already discussed splintering and inquired if there were any more comments or thoughts. There were none.

Comment 1.8 – Not in Support of Fund Being Only Available to Counties and the State

Jason M noted that this is the common response coming from cities. EMD received a large amount of input from cities due to misinformation being pushed out through the Association of Washington Cities about the path being pursued. He added that the national average of state retainment is 58% with the rest being pushed down to jurisdictions.

Brendan C noted that comparing other states is more nuanced and comparing apples and oranges. A lot of states that are taking more are providing a level of state support that is not part of our (Washington) culture, including state level IMTs. He added that historically the state has not taken a strong ownership roll in emergency management across the state because we are "home rule". A lot of other states see it as their responsibility and invest accordingly.

Jason B added that many of those states are taking a higher percentage, but also investing more state funding and have much larger staff

The Director agreed that an "apples to apples" comparison cannot be done. Every state does things differently due to different styles of government, geological hazards, and other factors. Each state is different in their funding and what their staff does

Amy asked what is being done to address rumors about taking away city allocation. Jason advised that he and Nancy spoke to a contact at the Association of Washington Cities and explained their concern and asked that they send a follow-up message clarifying there was no one path being considered. EMD has also been taking the opportunity to clarify the message during direct engagement.

Jason inquired if there were any more comments. There were none.

Comment 1.9 – Use a Formula Including Population and Overall Risk

Jason M noted this was previously discussed under 1.6. He inquired if there was any further comment. There were none.

Comment 1.10 - Edit Language to Include 40% cap on EMD retainment.

Jason M. noted this was only a slight modification from 1.2, but that he wanted to make sure to put it in the summary for additional discussion.

Kurt inquired if the 40% cap factor's in the 5% M&A that the state receives. Jason M. advised that although hard to distinguish, he assumed after M&A was taken.

No further discussion was had.

Comment 1.11 - added metric of vulnerability and capability to per capita method

Jason M provide a summary and inquired if there were any further comments. There were none.

Comment 1.12 - opposition of revising the current EMPG allocation methodology to one where local jurisdictions would no longer be eligible to receive direct grant funding

Brendan C noted that the comments statement that “many local jurisdictions fund entire program” was not true.

Scott advised that while not 100%, for some jurisdictions, 50% of their budget is EMPG or SHSP. Two counties in Region 4 have this funding set-up. For those jurisdictions, if they lost those two federal sources, the amount of general funds they will have is \$30,000. From their perspective, their whole program is dependent upon getting those two sources of grants. Their challenge is they have no other source of revenue.

Brendan noted that some small counties have built a robust program and a lot of it has to do with leadership's focus on emergency management.

Scott noted that in one county, 85% of the land is owned by the Federal government. While it can be said in most cases it's a local responsibility, there are some counties that are the exception and have no funding to “reprioritize”. We must account for those exceptions.

Jason B noted that this is one reason to promote regionalization. He was not sure how much of a program a jurisdiction could have if EMPG supports your entire program.

Scott noted that in Region 4 they rely heavily on neighboring counties and CRESA. If we look at any type of reallocation regional allocation needs to be looked at to account for small, less robust programs. If they can't meet the requirements, the region gets first "dibs" for money.

Comment 1.13 - Having an annual allocation of less than \$100,000 available for all 29 federally recognized tribes is a challenge

Brendan C noted this is similar to the discussion about smaller counties where they do not have good capacity right now. The question is if we try to build up that base/capacity. There are different ways to come at that problem and he doesn't think EMAG should give-up giving them funding.

The Director noted that prior to the last WAC re-write, the tribal allocation was \$250,000. When EMAG moved to a population-based allocation it was very contentious for the tribes. The argument was that the census provided tribal numbers do not correspond to the population size they actually serve. There were a lot of concerns from the tribal side and there is likely a desire to go back to previous allocation levels.

Sierra noted that there are some tribes that apply every year, or every other year.

Jason B inquired how the allocation was determined. Sierra responded that OFM publishes a "small area estimate" that includes reservations and we apply the same per-capita rate as other jurisdictions to that number. She also noted the tribal awards are competitive due to the number of tribes and the amount of the award. She also noted that some tribes cannot meet the match requirement, so they do not apply. Because of the size and differences in the tribal community, it has been difficult to develop another system that would be fair and equitable to all tribes.

Brendan C added that some tribes feel the award amount is small enough it's not worth the time and work to apply for. He noted the previous decrease is a wrong and there is an opportunity to right. An idea to increase allocation methodology could be to double the per-capita allocation to make a semi-base. Some states do specific percentage allocation to tribe. He inquired how do other state with large tribal population handle EMPG allocations.

Jason M agreed that EMD would research how other states with tribal populations handle EMPG allocation and will report back to the group.

2. Reallocation of remaining funds

Jason then moved to section two of the consolidated comments addressing reallocation of remaining or unused EMPG Funds.

2.1 Require reallocation to be offered within region first.

Kurt stated he would take the lead in the discussion as it was his submission. His thought was that there should be a process for local EMPG funding to go back to locals. If there is a process where you can have projects set up "shovel ready" and money to match, funding should be available. Last option to be going back to state.

The Director inquired if there are instances where the state retained returned funds. The recent CEMNET work was a decision made by the EMAG.

Kurt noted that Region 3 had a project that could've benefit all 5 counties, but they were unaware of the extra funds.

Chandra noted that in this specific instance the bulk of the money came out of Spokane County and it was her recommendation to use on CEMNET because a number of counties have trouble with it.

Kurt noted CEMNET is a state responsibility and doesn't want supplement state resources with EMPG funding. Any returned funds should go back out for someone else to take the remaining percentage.

Brendan noted that there are a handful of things that EMD does that provides direct service to local jurisdictions, even if considered a state responsibility. If the money is available and can be used in a way that has a broad impact, he is in favor. He doesn't believe the handling of returned funds needs to be changed, just manage flow. He added that shovel-ready projects help larger jurisdictions who can afford the match with little notice.

Laurel noted that as a community, there needs to be better communication as to what the gaps are.

Kurt inquired what the state would do to address the gaps if there are no returned funds? The State needs to have its own resources for state issues and the EMPG funds should stay at local level until no jurisdiction needs more.

Jason M provided an update on CEMNET to the group. EMD has now budgeted an annual allotment for CEMNET maintenance and repairs. IT has developed a life-cycle list for parts. There should be an increase in CEMNET functionality over the next couple years. He inquired if there were any more comments. There were none.

Comment 2.2 - Similar to initial allocation, reallocation of unspent funds should have criteria for how the funds are used, and transparency from EMD on how such funds were reallocated

Brendan C stated that the criteria should be streamlined and EMAG should maintain the simplest option that benefits everyone.

Kurt concurred and added the process should be project based not a percentage spread across all jurisdictions.

Jason M inquired if there were additional comments. There were none.

Comment 2.3 - Unallocated funds should stay within the region first, then small county "pool" second. Should be leveraged for regional resilience/support.

Jason M. inquired if there were additional thoughts or comments. There were none.

Comment 2.4 - Not a lot of time to reallocate or make recommendations – would like to see caches of supplies around the state.

Jason M. noted that what hasn't come out in any of the conversations is state-wide or regional requirements coming off the top of EMPG. He noted that Barb Graff has mentioned in the past, the ability to procure immediate translation of notices. If the state were to do a state-wide procurement of translation services, would it fall into that category? Would it be something that could come off the top like management and administration costs?

Brendan C noted that reallocation is not large sums of money and haven't had issues determining where money will go. He wondered if reallocation might be trying to solve a problem that doesn't exist.

Jason M. asked if there were additional thoughts. There were none.

Comment 2.5 – EMPG is moving to a 3-year period of performance. Would that resolve the issue of there not being enough time to reallocate the “returned” funding?

Kurt inquired if there is a need on the local level to move to three-year performance periods. If EMAG maintained a two-year performance period, there would be a year to spend returned funds.

Jason M noted that the idea was mentioned in the phone calls but there was not a lot of positive feedback in terms of proposal.

Ute noted that she is already floating contracts, which her contracting office does not like.

Sierra noted that the performance period for passthrough agreements is still the same length and stated that maybe as more extended periods pass there will be a better idea if the performance period can be adjusted. She suggested that right now we stick with what works and see what happens.

Brendan C noted that most jurisdictions would be interested in extending the sub-recipient performance period.

Laurel noted that the key would be to ensure that your application is showing your deliverables for the time frame and not what you are currently working on. May take more strategic planning to ensure capturing from beginning to end of time-period.

Jason M. inquired if there were any additional thoughts. There were none.

3. Comments on WAC 118.30

The conversation was postponed for the sake of time and will be discussed during next meeting.

Jason inquired if there were any further thoughts on the written comments and conference call feedback. There were none. He advised that EMD would update the documents to reflect the discussion and resend to everyone for review. EMD will continue with their analysis of recommendations and keep everyone informed of the status of the recommendation package for Robert.

Recommendation:

There was discussion on whether EMAG should make a formal recommendation and what form that recommendation would take. It was noted that making a formal recommendation today would stop the discussion and that representatives still need to discuss with their constituencies. It was agreed to hold a meeting in October to finish the discussion.

Chandra motioned that a formal recommendation would be delayed, EMD would consolidate notes, representatives would make a genuine effort to communicate with their constituencies, and the EMAG would reconvene in October to discuss. JoAnn seconded. The motion was passed unanimously.

Jason M noted that there was also a need to review the charter and membership. He will send the documents around to review separately for discussion during the October meeting. If there are any recommendations for changes to the Charter, he requested they be received within 30 days to allow time to consolidate. It was noted that a final charter will be dependent on, and come after, the WAC determination.

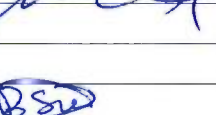
Closing Remarks**Robert Ezelle**

The Director thanked members for their time and advised he looks forward to seeing the recommendations. He asked that any recommendation consider what makes more sense to be in the Charter or the WAC.

Meeting was adjourned at 12:06 p.m.

Emergency Management Advisory Group (EMAG)

Thursday, August 22, 2019

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