

REDESIGN IN MINNESOTA

Analysis and Suggestions on the Impact on County Emergency Management Programs

A White Paper



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EXECUTIVE SUMMARY

This document was predicated by the Association of Minnesota Counties (AMC) 2009 “Redesign” paper’s “Public safety Collaboration Incentives” and discussions with AMC staff.

Upon observation of the paper’s statement that “in many cases regionalization of the delivery of services make sense and putting incentives in place to encourage government to regionalize will make that a reality,”¹ the Association of Minnesota Emergency Managers (AMEM) has endeavored to carefully analyze strategies and impacts of regionalization on Emergency Management. The consolidation of multiple counties’ relatively small Emergency Management agencies into one larger agency does not save much in the way of tax-payer dollars. In addition, it can easily lead to a decrease in service, a decrease in ability, and a decrease in the public safety. While Minnesota counties must reach for new methods of providing critical services to those who rely on them, ensuring public safety remains the most critical county service.

The best known faces of public safety are the traditional first responders and public health agencies. But behind them are integrated plans designed to set priorities, reduce duplication of efforts, and most importantly reduce the risk of missing something important in “the heat of the moment”. This is the role of the county Emergency Management program.

Emergency Management assesses threats and vulnerabilities, and reduces risk by preparing for a disaster or emergency before it occurs, mitigating the possible impacts, disaster response (e.g. emergency evacuation, quarantine, mass decontamination, etc.), as well as supporting, and rebuilding communities after natural or human-made disasters have occurred. It is a continuous process by which all individuals, groups, business and communities manage hazards in an effort to avoid or ameliorate the impact of emergencies and disasters.²

Minnesota law defines an emergency as “an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring.”³ The process of analyzing and coping with such situations is the management, professional and requires a program serving each county. The question is, “does each county need its *own* Emergency Management program, or can resources be shared?”

County Boards should expect a high degree of access, accountability and performance from their Emergency Manager

¹ Association of Minnesota Counties “Redesign in Minnesota”

² Haddow, George D.; Jane A. Bullock (2004). *Introduction to Emergency Management*. Amsterdam: Butterworth-Heinemann

³ MN Statutes Chapter 12.03; Subd. 3

County governments are exploring the concept of consolidation and other efficient and streamlined approaches to providing emergency management services for the county. New processes and collaborative planning should be examined. Quality programs cost the taxpayer money. But the lack of a quality program during the time of an emergency or disaster also brings a cost to the community – not only in terms of money, but also in lost lives, property and the disruption of the community’s continuity of life. There is no easy solution or “magic pill” to solve funding and service problems. Four significant issues impact the current state of emergency management programs in Minnesota and need to be addressed.

This white paper examines these four issues looking at opportunities and risks, and proposes solutions to take advantage of the opportunities, while minimizing unintended consequences:

1. ***THE ROLE OF EMERGENCY MANAGEMENT IS NOT WELL UNDERSTOOD*** - Emergency Management is not just about a "plan." The document is only part of the outcome that results from a larger process
 - **Solution:** County Emergency Managers should be equipped and empowered to carry out requirements and work toward compliance with national standards
2. ***DUPLICATION OF EFFORT HAS CAUSED CONFUSION AND COST INEFFECTIVENESS*** - Despite the lessons of history, it has become common for a county to have separately developed Emergency Operations Plans; Public Health emergency plans; Pandemic plans; Continuity of Operations Plans; and counter terrorism plans. This has resulted in confused roles and hinders responsible use of resources
 - **Solution:** Each county should have a professional Emergency Manager who works with others to centralize the process under competent authority and to develop coordinated plans and training.
3. ***SERVICE LEVELS OFFERED BY EMERGENCY MANAGEMENT VARY ACROSS THE STATE*** – the requirements of federal and state law regarding Emergency Management are the same for all counties without regard to staff. But, in most Minnesota counties, the Emergency Manager is not a fulltime position.
 - **Solution:** Emergency Managers must have the time, training, access to leadership, and oversight to allow for true collaboration. Any regionalized approach should stress collaboration rather than emphasize combined stand-alone agencies that are less able to meet local needs.
4. ***COUNTIES MIGHT RECOGNIZE BETTER SAVINGS IN COST AND INCREASED EFFICIENCY BY STRENGTHENING COLLABORATION RATHER THAN BY CONSOLIDATION*** – Careful analysis of the unintended consequences of such actions is imperative.
 - **Solution:** A realistic impact analysis must be undertaken by all counties involved in any proposed joint venture before consolidation can be considered.

ISSUE 1: THE ROLE OF EMERGENCY MANAGEMENT IS NOT WELL UNDERSTOOD

EMERGENCY MANAGEMENT IS NOT JUST ABOUT "PLANS." DOCUMENTS ARE ONLY PART OF THE OUTCOME THAT RESULTS FROM A LARGER PROCESS. Emergency Management itself is "a jurisdiction-wide system that provides for management and coordination of prevention, mitigation, preparedness, response, and recovery activities for all hazards. The system encompasses all organizations, agencies, departments, entities and individuals responsible for emergency management and homeland security functions."⁴

Emergency Management requirements come from state and federal law, as well as national standards and best practices. They are the same for every county in the nation without regard to size or wealth and are based on the need to protect the people, property and economy of the United States.



Preparedness encompasses the range of plans and deliberate, critical tasks and activities necessary to build, sustain and improve the community's capability to prevent, protect against, mitigate against, respond to and recover from disasters. Preparedness is a continuous process.

Prevention activities seek to avoid an incident or intervene to stop an incident from occurring or worsening.

Response itself is the smallest part of the Emergency Manager's job. But when disaster strikes, it is the county Emergency Manager who coordinates the actions of the many response agencies with the governmental priorities for community survival. Long after the smoke clears, the Emergency Manager remains to coordinate restoration of the community.

Recovery emphasizes the development, coordination, and execution of plans for the restoration of impacted communities and government operations and services through individual, private-sector, nongovernmental and public assistance programs.

There is no "one size fits all" formula for an Emergency Management program, but there are specific national standards together with state and federal law. Minnesota defines Emergency Management as "the preparation for and the carrying out of emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters....These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, warning

⁴ Emergency Management Standard by EMAP. 2007

services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency human services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, implementation of energy supply emergency conservation and allocation measures, and other functions related to civilian protection, together with all other activities necessary or incidental to preparing for and carrying out these functions.⁵ MN Statutes Chapter 12.25 charges the county Emergency Manager with coordinating this system.

Every county needs an Emergency Management program led by a professional Emergency Manager who has specific knowledge of the county:

- **Unique knowledge of details specific to each county** – risks, hazards, personnel, culture, purchasing, operations policies, geography, capabilities, resources, gaps, and local political realities.
- **Specialized professional knowledge** – local, state and federal law, national standards, new requirements, best practices, professional processes and procedures, grants, etc., and compliance with state and federal educational/training requirements.
- **Individual professional relationships** – government leadership (county and municipal levels), first responders, public information, non-profit volunteer organizations, state and federal support agencies, and other Emergency Managers
- **Time and access** – meetings with community, private sector businesses, county and municipal departments and state of Minnesota departments, hazards analysis, grants management, plan writing and ongoing review, policy and procedures, communications equipment
- **Budget and resources** – funding from the County, and state and federal grants.

SOLUTION 1:

THE COUNTY EMERGENCY MANAGER SHOULD BE A PROFESSIONAL WHO IS EQUIPPED AND EMPOWERED TO CARRY OUT LEGAL REQUIREMENTS AND TO WORK TOWARDS COMPLIANCE WITH NATIONAL STANDARDS FOR EMERGENCY MANAGEMENT. County administration must support the requirement that directors be certified by the Minnesota Department of Public Safety and FEMA and should be required to ensure that county and municipal officials understand the Emergency Management system. As a direct result of the necessary access, County Boards should expect a high degree of leadership, accountability and performance from their Emergency Manager in return. Emergency Managers must also have the authority needed to develop the county's Emergency Management program.

⁵ MN Statutes Chapter 12.03 Subd. 4

ISSUE 2: DUPLICATION OF EFFORT HAS CAUSED CONFUSION AND COST INEFFECTIVENESS

DESPITE THE LESSONS OF HISTORY, IT HAS BECOME COMMON FOR A COUNTY TO HAVE SEPARATELY DEVELOPED EMERGENCY OPERATIONS PLANS (ALL-HAZARDS), PUBLIC HEALTH EMERGENCY PLANS (DEALING WITH PUBLIC HEALTH ISSUES ARISING FROM HAZARDS); PANDEMIC INFLUENZA PLANS; CONTINUITY OF OPERATIONS PLANS; AND COUNTER TERRORISM PLANS. THIS HAS RESULTED IN CONFUSED ROLES AND HINDERS RESPONSIBLE USE OF RESOURCES. Emergency Managers are then left to integrate these planning efforts as well as the plans themselves.

Since the advent of the Emergency Management profession in the 1930's the federal and local governments have learned painful lessons that public protection planning must be all-hazard in nature and coordinated across the multiple agencies and disciplines involved. This process resulted in the development of MN Statutes Chapter 12.

In an effort to obtain grants and utilize subject matter experts in different roles, counties have begun to repeat the mistakes of the past. Too often counties are getting away from an all hazard approach of utilizing a professional Emergency Manager to coordinate the overall prevention, preparedness, response and recovery efforts, choosing instead to parallel projects in multiple departments. In most Minnesota counties today various agencies duplicate parts of Emergency Management functions from their own limited viewpoint, dispensing with any true all-hazards approach and thus forming isolated and redundant silos.

Prioritization and restoration of services following a natural disaster is the same as they would be following a terrorist attack or a pandemic. Handling unsolicited donations is the same no matter the event. Command and control must be maintained whether during a disease outbreak or an ice storm. Subject matter experts should guide specific *policy and procedure* for their area. But such limited views must be overcome in order to prepare and to govern.

The lack of clear understanding of the Emergency Management role has led to multiple duplicated efforts within many Minnesota counties and an attendant lack of fiscal efficiency. Often, varied county agencies are allowed to assume roles based on a perceived expertise in response to emergent calls for assistance. Federal and State mandates and grants have led to the development of multiple "emergency preparedness" divisions in several county departments and the creation of redundant and even conflicting plans emphasizing single issues.

Commonly, counties leave the Emergency Manager (who is often a part-time employee) to try and integrate these disparate efforts. Sometimes this does not happen until a disaster occurs.

Over time, this duplicative approach has resulted in a fragmented organizational culture and other sub-cultures; a growing and pervasive contractor culture, strong competition for scarce resources and shifting agency priorities; high turnover in personnel; continued problems with many entry-level and increasingly fewer mid- and upper-level personnel; little institutional memory, and little organizational adaptation and learning.⁶

SOLUTION 2:

EACH COUNTY SHOULD HAVE A PROFESSIONAL EMERGENCY MANAGER WHO WORKS WITH MANY SUBJECT MATTER EXPERTS IN OTHER DEPARTMENTS TO CENTRALIZE THE PROCESS UNDER COMPETENT AUTHORITY AND TO DEVELOP COORDINATED PLANS AND TRAINING. Laws, standards, and best practices direct that a far more streamlined and cost effective course is to have an Emergency Management director and "one or more deputy directors" and/or subject matter experts who assess the hazards in the county and plans accordingly - meeting with and getting input from subject matter experts. This process is proven to result in one *coordinated* plan and well defined roles for people tasked with "emergency operations of county government."⁷

⁶Waugh, Dr. William L., *Future Emergency Managers - Deja Vu All Over Again?*, Georgia State University

⁷ MN. Statutes Chapter 12.25, Subd. 2 (a) and (c)

ISSUE 3: SERVICE LEVELS OFFERED BY EMERGENCY MANAGEMENT VARY ACROSS THE STATE

THE REQUIREMENTS OF FEDERAL AND STATE LAW REGARDING EMERGENCY MANAGEMENT ARE THE SAME FOR ALL COUNTIES WITHOUT REGARD TO STAFF. BUT, IN MOST MINNESOTA COUNTIES, THE EMERGENCY MANAGER “TITLE” IS GIVEN TO A SENIOR STAFF PERSON AND THEN THE “WORK” IS TASKED TO A PART TIME EMPLOYEE WHO DOES NOT HAVE ACCESS TO TRAINING, DECISION MAKERS, OR TIME TO ADDRESS ALL ISSUES. IN THESE COUNTIES, PLANS CAN BE REDUCED TO BOILER PLATE DOCUMENTS DEVELOPED WITHOUT COLLABORATION BETWEEN COUNTY DEPARTMENTS OR BETWEEN THE COUNTY AND MUNICIPALITIES.

It is all too common for the persons tasked with emergency management to have little or no experience other than as first responders. Because the work involved in emergency management is so technical and time consuming, it is difficult for the part time director to get to all of the things required in a timely fashion. Without adequate time to develop and maintain relationships, politics and personality conflicts remain unaddressed. When disaster strikes agencies cannot work together and it becomes obvious that the county is unprepared.

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time professional
one or more
These counties
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with fewer resources. Less populous counties rarely have this capability.

The greater concern for the profession is the undeniable fact that not all Emergency Managers are equally trained or capable. There are still areas of the state where Emergency Managers have not kept up with changing responsibilities, trends, or skills. Despite state rules, some emergency managers are not certified. Counties have not always provided the resources needed to fully develop their emergency management programs. The fact remains that the safety of the public depends on these men and women achieving the minimum required training, and constantly increasing their abilities by pursuing continuing professional education.

SOLUTION 3:

EMERGENCY MANAGERS MUST HAVE THE TIME, TRAINING, ACCESS TO LEADERSHIP, AND OVERSIGHT TO ALLOW TRUE COLLABORATION. IN COUNTIES WHERE PART TIME PERSONNEL ARE UTILIZED, THEY NEED TO HAVE THE TITLE AND RESOURCES OF EMERGENCY MANAGEMENT DIRECTOR. ANY REGIONALIZED APPROACH FOR THESE AREAS SHOULD STRESS COLLABORATION BETWEEN COUNTY-BASED EMERGENCY MANAGERS, RATHER THAN EMPHASIZE COMBINED STAND-ALONE AGENCIES THAT ARE LESS ABLE TO MEET LOCAL NEEDS.

All county Emergency Managers are required to make continuing progress toward professional certification. Once achieved, this certification must be maintained by on-going education and training. County administrations should support this requirement and expect their Emergency Managers to comply with the rules.

County Emergency Managers must collaborate with each other to ensure that limited resources are used to the best possible advantage. As an example, multiple counties could band together to accomplish tasks without losing the unique knowledge of individual counties. One county's Emergency Manager could handle exercises, another could address resource management, etc.

ISSUE 4: COUNTIES MIGHT RECOGNIZE BETTER SAVINGS IN COST AND INCREASED EFFICIENCY BY STRENGTHENING COLLABORATION RATHER THAN BY CONSOLIDATION

CONSOLIDATION *DOES NOT* ADDRESS THE ONGOING DUPLICATION OF EFFORTS OR THE PROFESSIONAL ABILITIES OF THE LOCAL EMERGENCY MANAGER. BEFORE IMPLEMENTING SUCH PLANS, AN ASSESSMENT OF THE IMPACTS AND DESIRED RESULTS SHOULD BE COMPLETED. IN ORDER TO MAKE SENSE, THE END PRODUCT SHOULD RESULT IN (A) PROGRAM EFFICIENCY SO AS TO PROVIDE THE NECESSARY SERVICE AT THE HIGHEST POSSIBLE LEVEL, WHILE (B) RECOGNIZING COST SAVINGS. In the realm of public safety, many factors need to be looked at – in traditional public safety this might include response time, resources, coverage areas, etc. For all-hazard Emergency Management, much more is needed.

Relationships: The planning process involves a great deal of relationship building, localized knowledge of resources and geography, public outreach, and political advice. Knowing the agencies involved in response - and many of the people who make up those agencies - is critical. The county Emergency Manager must be able to serve as a liaison between county and municipal government officials and the private sector. Meeting in advance (and regularly) with mayors, city councils, commissioners and county leadership, and members of the public to provide insight and advice is as important as meeting with these people during an emergency. A combined agency would need to have adequate staff to develop these relationships throughout the consolidated region.

Authority: Any combined entity would need to have some form of jurisdictional status. The formation of a Joint Powers Agreement (JPA) might meet this need. But issues of the level of legal authority given to the JPA would need to be addressed. For example, under existing law only the Chair of the County Board can declare an emergency for that county.⁸ In a combined agency, the participating counties would need to abdicate that role to allow a jointly-funded consolidated entity to deal with emergency issues.

Management: Clear supervision and reporting relationships need to be developed. Today, the County Board sets the priorities for the Emergency Management program. In a consolidated entity, the JPA would make these decisions removing some of the traditional public safety role of County Boards.

⁸ MN Statutes Chapter 12.29

Funding: Emergency declarations involve emergency funding and spending authority. A new JPA would need to address how the funds of one county can be used to the benefit of another, i.e. when one county under the JPA is affected by a disaster, and another is not.

Every county Emergency Management *program* that meets the minimum performance standards set by the state and federal government receives some match funding from a federal grant (“EMPG,” the Emergency Management Performance Grant). There is a base and additional formula-based funding up to a 50% match. The formula is based on Emergency Management program budget, population, and net tax capacity. If multiple counties banded into one entity, they would receive only one base amount. If the JPA's budget or combined populations and values are not large, the overall funding to that area would likely decrease! Further, the duplication carried on by other county departments would continue, resulting in continued costs to the county.

Disaster and preparedness funding is dependent upon the “nature and amount of State and local resources which have been or will be committed to alleviating the results of the disaster”.⁹ The consolidated agency and the counties it supports will need to do a great deal of “ground work” to ensure that appropriate efforts are carried out in each member county.

Priorities: If programs are consolidated, the new Emergency Management organization is tasked to convert several county emergency operations plans into one. This will be a lengthy, extremely complex, and expensive process as the plan will need to integrate the cultures of several like disciplines from each county, i.e. law enforcement, public health, Fire departments, public works, public information, administration, elected officials, etc.

Staffing: Any consolidated agency would need to have enough personnel to enable them to have regular contact with the elected and appointed officials of all of the municipal and each of the county governments involved in the combined agency and to carry out public outreach activities before and after any emergency. Activities resulting from a disaster typically are 24x7 and recovery and mitigation activities resulting from a disaster will often go on for a year or more. It is essential that leadership roles have enough "depth" of staff to allow for this.

Facilities: The agency would need office space, equipment, and at least one Emergency Operations Center (EOC). Cost savings could be realized by consolidating office space, support staff, and equipment – but this would result in increased travel time to cover the larger area of the JPA and increased costs related to travel. During the emergency, county leadership might need to relocate to an EOC located in a different county. History shows that leaders are unlikely to locate far from their jurisdiction. More than likely, each county will need to continue to maintain a local EOC.

⁹ 42 USC 5170

SOLUTION 4:

A REALISTIC IMPACT ANALYSIS MUST BE UNDERTAKEN BY ALL OF THE COUNTIES INVOLVED IN ANY PROPOSED JOINT VENTURE BEFORE CONSOLIDATION CAN BE CONSIDERED. ALL OF THE DETAILS OF AUTHORITY, MANAGEMENT, FUNDING, STAFFING, AND FACILITIES MUST BE ADDRESSED BEFORE A CONSOLIDATED AGENCY IS FORMED. If a consolidated agency is formed, conflicts will be raised as to where the Emergency Management will spend time during an emergency, how budgets and disaster relief funding can be allocated, to whom the Emergency Manager reports, and even where facilities are located, Still, the most important parts of regionalization can be accomplished without consolidation. A regional organization (or even a JPA) made up of existing Emergency Managers can be created (such organizations are in place in parts of the state). This organization can develop and coordinate strategies for using any federal or state grants; purchasing of specialized equipment for response and communications; conducting exercises and training; and can even work as back-ups to each other in the most common emergencies (where one or a few municipalities are affected rather than a whole county). This maintains local control and authority and reduces conflicts while achieving greater efficiency and a more responsive program. Coordinating *effort and activity* is a time-proven “best practice” and carries none of the drawbacks that will come with attempts at consolidation. Carried to its logical extreme, the municipalities within a county could similarly cooperate and coordinate local planning and resource activities.

CONCLUSION: THE LAW OF UNINTENDED CONSEQUENCES

The consolidation of multiple counties' relatively small Emergency Management agencies into one large agency does not save much in the way of tax-payer dollars. In addition, it can easily lead to a decrease in service, a decrease in ability, and a decrease in the public safety.

The entire Minnesota Emergency Management system relies on local Emergency Managers. Without careful planning, consolidation of Emergency Management programs will decrease the number of locals and put additional strain on those remaining. This will result in decreased quality of the remaining local programs and impact the overall capability of our state to cope with emergencies. At the county level the Emergency Manager will be less able to respond to any particular local need. For example, during the emergency which board sets priorities for resources? From whom does the Emergency Manager take instruction?

We must pay attention to lessons learned across the nation. As a result of the shortcomings evidenced by response to 9/11 and major hurricanes and other disasters, national standards have been developed and vetted and approved by The American National Standards Institute (ANSI) in the *Emergency Management Standard by EMAP* (Emergency Management Accreditation Program). According to that standard, the jurisdiction's Emergency Management program should include an "executive policy or vision statement for emergency management...developed in coordination with program stakeholders that defines the mission, goals, objectives, and milestones for the emergency management program and includes a method for implementation, and a designated individual empowered with the authority to execute the program on behalf of the jurisdiction."¹⁰

Any consolidated entity would also have to be developed in coordination with the stakeholders and have well defined missions and roles.

In some cases, counties have appointed people as Emergency Management director simply because they had "dealt with emergencies" in the past. The complexity of modern risk demands that professionalism be achieved, not merely discussed.

County leaders must both support the Emergency Management program adequately *and* demand high quality of work.

Counties have allowed mission creep and the chance for grants to develop into conflicting, confusing, and duplicative planning efforts. This is a preventable cost multiplier that is not only

In no case can the provision of public safety be degraded. The emphasis should be on *increasing* service delivery and accountability while achieving cost effectiveness

¹⁰ Emergency Management Accreditation Program; *The Emergency Management Standard by EMAP*, Ch. 3.2.2

ineffective and expensive, but has led to multiple processes to deliver services that often conflict.

The complexities of 21st century risk and the realities of a permanently changed economic environment must be balanced against the critical services provided by local government. In no case can the provision of public safety be degraded. The emphasis should be on *increasing* service delivery and accountability, while achieving cost effectiveness.

In order to meet federal laws or nationally accepted standards consolidation would require the creation of a new legal entity or agency empowered to make various legal and fiscal decisions on behalf of the member counties. In the process, counties would cede some of their authority to this entity. During emergency situations the conflicting needs of the situation will lead to delay and decreased efficiency. This will result in wasted time, wasted money, longer recovery times, and increase threat to the people.

Whether consolidated or individual, a county's Emergency Management program must develop and maintain procedures to address the specific hazards and requirements of the jurisdiction's potential operating environments, clearly delineate any decision making processes or triggering events and these processes must be reviewed and updated regularly on an established schedule ¹¹

Development, coordination and implementation of operational plans and procedures are fundamental to effective disaster response and recovery and such plans and procedures must be individualized for a county's needs. Thus, emergency Management entities must be adequately staffed to provide at least the most basic level of service in each member county of any consolidated region.

On the face of it, consolidation looks like an attractive option. Minnesota has already implemented many regionalized initiatives to great effect: regional hazardous materials teams; regional bomb squads; regional collapsed structure and incident management teams. Planning for the use of homeland security grants has been regionalized as well.

Careful analysis of risks is a hallmark of the Emergency Management profession and leads to the identification of courses of action that meet the identified need. Similarly careful risk analysis must be applied to the courses of action before any are selected.

¹¹ *Ibid.* Ch. 4