

EMPG Committee Meeting Minutes

Wednesday, February 29, 2012
1000-1400

State Operations Center, EOC, Austin and Conference Call Access

In Attendance

- Members: Joe Ferro (Chairman/City of Webster); Pat McMacken (Co-Chair City of Irving); Tim Ocnaschek (Secretary/City of Beaumont); Sarah Somers (Grayson County); Chuck Frazier (Brazos County); Judge Joe English (Nacogdoches County); Tara Triana (Nacogdoches County); Frank Patterson (City of Waco); Dale Little (Midland County); David Coatney (City of Round Rock); Michelle Carrahan (Harris County); Kevin Starbuck (City of Amarillo); Ricardo Gonzalez (City of El Paso); Jose Ortiz (City of Fort Worth); Billy Ted Smith (Jasper/Newton/Sabine Counties); Patrice Reisen (Travis County); Mike Fisher (Bastrop County); Jeff Kelley (Orange County);
- Liaisons: Shari Ramirez-MacKay (TDEM); Lisa Resendez (TDEM); Doris Grisham (TDEM); Heather Baxter (TDEM); James Kelley (TDEM);

Meeting Recap

Overview of discussion topics:

- Reviewed funding formula using the 2012 eligible jurisdictional budgets and 2011 award money. Note should be made that pass-through and the formula is based on previous year funding and no decision has been made regarding pass-through for FY2012.
- Discussed definitions of terms and explanations of formula components.
- Discussed exercise requirements and reporting.

Key concerns included:

- Concern that the baseline allocation was cutting too large a percentage of the funding out before the formula was applied. Harris County wanted specific mention of this concern. The reasoning was also discussed in other meetings, with the feedback from other meeting minutes that the federal and state program emphasis is on promoting development of at least a basic EM program. Many of the committee members representing various size agencies also agree with that emphasis and previous minutes indicate that the benefit to statewide preparedness outweighs the reduction in funding for middle and large size jurisdictions.
- Allocating a 3rd round of funding should remain an equitable and open distribution using the current and agreed upon formula just like the first two rounds rather than using the remainder from the first two rounds to be

left to a subjective and discretionary basis by TDEM and the historic process the committee has been trying to fix.

- A strong concern exists that money remaining from round two should be dispersed using the formula. It should remain a factor of eligibility- if you are eligible for additional funding then a “Y” should be in the box.

Decisions made: (Recommendations)

- TDEM has the discretion to use 3rd round funding without using the formula to determine allocation. A potential benefit of this stance is to provide leeway for jurisdictions taking major funding cuts to get help.
- The column heading and explanation for 3rd round funding should be appropriately named and identified as a TDEM decision (Y or N).
- EMPG eligibility for a jurisdiction will remain based on the previous decision from June 27, 2011, regardless of how many times a jurisdiction is removed from the program voluntarily or forcibly. The reasoning is that the penalty time was already assessed, and once penalty time is over, another year of satisfactory performance is required to get another award. Additionally, personnel and official changes may be common and new administrations should have the opportunity to reapply in a reasonable timeframe.
- TDEM requests all committee members serve on a panel Tuesday or Wednesday during the EMPG briefing at the conference. Specific time and date unknown at this time. Members who haven't already paid for registration should let TDEM register them at a reduced rate.
- A request was made that the derivatives of the formula be explained, so the following items are provided from previous minutes:
 - A 40% Baseline for first round calculation- Using 2011 pass-through funding amount, this will provide a baseline of approximately \$19,000 per jurisdiction, based on 50% of eligible budget. That means some jurisdictions will be funded at the maximum 50%; however, they will receive less than the standard baseline. The remaining funding will be rolled back into the remaining pot of passed through funding in what is being called “round 1 calculation.” All jurisdictions having maximized their 50% eligible funding will then be taken out of the formula for the second round calculation.
 - The second round calculation will use the following formula.
 - All jurisdictions having maximized their 50% eligible funding will then be taken out of the formula for the second round calculation.
 - 70% population based on latest census for the EMPG Plan covered area.
 - 20% progress reports - compliance with this standard TDEM requirement will be calculated in the formula at a full 20% level for those jurisdictions scoring between 15-25 points. Those dropping below 15 points at the end of the year would be ineligible for any funding that year, and the money would be put back into the pass-through total to be re-distributed. Scoring is determined by TDEM.
 - 10% threat/risk- This is based on signed submissions from eligible jurisdiction's basic plan.

- Third Round calculation= Funding remains based on 50% maximum of eligible budget, thus a third round calculation will be necessary based on pass-through monies left from the first two rounds. Additional allocations out of that remaining funding will be assessed based on TDEM discretion.
- A request was made to provide a review of definitions:
 - Eligible budget= Based on Federal EMPG guidelines, TDEM will review each applicant's budget to ensure all items meet program eligibility standards and of that total amount, the federal portion can be no more than 50%. Some jurisdictions have budgets with items that are not eligible for EMPG funding, so quite often, the EMPG budget is different than the complete jurisdiction's Emergency Management Department budget. So the budget column of the formula denotes the 50% amount of the eligible budget total.
 - Eligible Jurisdiction= Jurisdiction meeting the TDEM EMPG eligibility requirements as posted on the TDEM website. If the jurisdiction was previously removed from the EMPG program, it has to have successfully completed the redemption process as noted below. That jurisdiction is required to apply for EMPG funding and meet all program requirements for a full fiscal year without receiving any funding. This is termed a probationary year. Upon successful completion of that probationary year, the jurisdiction is then "eligible" for funding.
 - Made Whole= Receiving the maximum 50% funding commensurate with the eligible budget.
 - Pass-through funding= Each state is allocated a portion of the federal EMPG appropriation. Each state is then allowed to retain all or a portion of that funding, OR may provide subordinate jurisdictions a portion of the funding. Pass-through funding is the amount of money the state decides to distribute to city and county level EMPG programs. For 2011, that amount was \$5.6 million. It will likely change each year.
 - Baseline calculation= This threshold was calculated to ensure new jurisdictions have incentive to apply and be included, as well as to represent a portion of the anticipated costs of developing and maintaining a jurisdictional Emergency Operations Plan. To allow for unknown future award amounts, the committee's recommendation is to take 40% of EMPG funding passed through the state and divide that amount by the number of eligible EMPG jurisdictions. Annual EMPG eligible budgets will be assessed to ensure the federally directed 50% match is sufficient to cover the Baseline award. Any overage will be included with the remaining 60% of EMPG pass-through funding.
 - Funding Formula= An equation using the most objective data possible to calculate equitable EMPG funding amounts for jurisdictions. The current elements agreed upon by the committee include: Population, Risk/threat, and progress reports. In order to determine maximum eligibility, the jurisdiction's eligible budget is utilized as is the total amount of pass-through funding. A baseline was added to weight the emphasis on

promoting at least basic program compliance for all jurisdictions regardless of size, but particularly benefiting smaller jurisdictions. The baseline is not part of the formula, but is assessed before the formula is applied.

- Redemption process= if removed from award eligibility:
 - If the reason is intentional misconduct (particularly Fraudulent), the jurisdiction is not eligible for five years at which time they will have to reapply as a new applicant (See “new applicant request guidelines)
 - If the reason is non-compliance (forced), or inability to comply (voluntary), then not eligible to apply for one year and then start as a new applicant.
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- Reiterated November 2011 decision- EMPG eligibility will be determined as previously agreed upon. New applicants having completed a successful probationary year will be rolled into the total number of eligible applicants.

Issues requiring further discussion at next meeting:

- Feedback from attendees at the Emergency Management Conference
- Review of changes needed for 2013 funding (like Baseline amount, potential to reward performance above the minimum requirements, more objective calculation of threat/risk, participation)

Assignments

Item	Assigned to:	Date due:
Send minutes to TDEM	Ocnashek	(NLT Wednesday, March 7)
All members need to send Lisa notification of any speaking engagements or conflicts during the EM conference so the scheduling of the EMPG workshop can include attendance by all committee members	ALL	(NLT Wednesday, March 7)

Next Meeting

Date/time:

- TDB during TDEM Conference

Location:

- Henry B. Gonzalez Conference Center, San Antonio

Past meeting Decisions:

June 27

- Committee rules and guidance approved
- New Applicants will be required to demonstrate full eligible program compliance for one full year with no funding, after which the eligible jurisdiction will be considered on an equitable basis with every other previously approved jurisdiction
- Committee support for jurisdictional EMPG audits have been recorded in previous minutes. Application and budget review process as well as periodic audits and currently published standards should encourage strict adherence to program eligibility requirements.
- Redemption process if removed from award eligibility:
 - If the reason is intentional misconduct (particularly Fraudulent), the jurisdiction is not eligible for five years at which time they will have to reapply as a new applicant (See “new applicant request guidelines)
 - If the reason is non-compliance (forced), or inability to comply (voluntary), then not eligible to apply for one year and then start as a new applicant.

May 31

- TDEM/EMPG program management should be supported in enforcing current EMPG guidance regarding compliance. Additionally, at the 30 day past due mark, a formal letter will be submitted to the Chief Elected Official, CEO (i.e. City Manager), EMC, and relevant RLO
- Committee recommends adjusting guidance wording regarding eligibility to remove “generally”. Jurisdictions in non-compliance should automatically lose funding for the non-compliant periods as well as lose funding the following year.
- Hardship waivers may be relevant for extraordinary circumstances (i.e. disaster) and will require a written extension request from the chief elected official. TDEM staff will review and assess the waivers on a case-by-case basis.

Nov 11, 2011

- Recommend a three-step EMPG funding process:
 - Determine the Baseline and calculate overages based on eligible budget
 - Add any overage to the remaining pass-through funding
 - All jurisdictions with budgets adequate to receive funding over the baseline will be entered into the formula to calculate additional allocation
- Baseline calculation. This threshold was calculated to ensure new jurisdictions have incentive to apply and be included, as well as to represent a portion of the anticipated costs of developing and maintaining a jurisdictional Emergency Operations Plan. To allow for unknown future award amounts, the committee’s recommendation is to take 40% of EMPG funding passed through the state and divide that amount by the number of eligible EMPG jurisdictions. Annual EMPG eligible budgets will be assessed to ensure the federally directed 50% match is sufficient to cover the Baseline award. Any overage will be included with the remaining 60% of EMPG pass-through funding.

- Progress reports and compliance will be added back to the formula at a 20% level for those jurisdictions scoring between 15-25 points. Those dropping below 15 points at the end of the year would be ineligible for any funding that year, and the money would be put back into the pass-through total to be re-distributed.
- Population specific to Plan coverage area was given a 70% rating.
- Threat/Risk will continue to provide a 10% impact until more objective guidance is provided to justify the rankings.