

2009 Non-Mandated Expenditures Department Response

DEPARTMENT: Hamilton County EMA
DEPARTMENT HEAD / ELECTED OFFICIAL: Michael C. Snowden
OCA TITLE: Director

Hamilton County departments and agencies have the opportunity to respond and provide insight to the Office of Budget and Strategic Initiatives (BSI) initial assessment as to non-mandated services. This response form should be used for each specific BSI assessment; not a general response for entire department. Take as much space as necessary for each question.

1. Are there elements of the BSI non-mandated services that you believe are mandated? If so, provide the specific Ohio Revised Code (ORC) citation, Code of Federal Regulation (CFR) and/or relevant case law information. Please be especially diligent if there is a specific service or staffing level prescribed by law.

The assessment of the mandated vs. non-mandated services identified in the BSI are incorrect as listed for Hamilton County EMA and therefore affects the assumptions made regarding our funding.

The "Administration" function was listed as non-mandated, with the level of funding up to the BOCC. This is not correct. In 1957, the Hamilton County Office of Civil Defense was formed, funded by the BOCC. This agency was created by agreement with the participating jurisdictions throughout Hamilton County. In 1989, the State of Ohio enacted Chapter 5915.06 ORC, causing the creation of the current Hamilton County Emergency Management Agency (Sections 5915.04, 5915.041, 5915.05 and 5915.06 later renumbered under the current Sections 5502 under Public Safety). This change in law necessitated new agreements with each jurisdiction in Hamilton County. These agreements were created and adopted by the Hamilton County BOCC (Mr. Beckwith, Mr. Decourcy, and Mr. Taft) for each individual jurisdiction within Hamilton County for creation, as required by the Ohio Revised Code, of the Hamilton County Emergency Management Agency to provide emergency management services for the entire county. Furthermore, within those agreements the BOCC committed that the "Director and staff, if any, shall be paid from the Hamilton County Civil Defense Fund".

The agreements signed to and in effect since 1989, therefore, provide that the BOCC shall fund the administration of the Hamilton County EMA. The current State Law (5502.26, renumbered from 5915.06) which establishes the authority for a county wide emergency management agency, leaves the funding for that agency to "be supported by the political subdivisions entering into the countywide agreement". Therefore, according to State Law, the BOCC could require that all 49 jurisdictions participate in the funding of the Hamilton County EMA; however this could only be done by entering into new agreements with all 49 jurisdictions. Under the current, signed agreements, the BOCC is responsible for the funding of the administration of the Hamilton County EMA. Any political subdivision that did not want to participate in the countywide agency because of a change in the funding requirements would need to form their own Emergency Management Agency, as outlined by ORC, and provide the necessary services to their own jurisdiction. Currently, there are no counties in the State of Ohio with more than one EMA. However, the ORC does not prohibit this from occurring. Any state dollars that go toward the management and administration of the EMA (such as Emergency Management Planning Grant, Local Emergency Planning Commission) that we currently receive would need to be divided among those EMA's

2009 Non-Mandated Expenditures Department Response

within the county, probably on a per capita basis, or in the case of the LEPC, based on the number of hazardous material reporting facilities within the jurisdiction of the EMA. So, while dollars may be gained by charging each jurisdiction, as allowed by ORC, dollars would be lost if a jurisdiction formed their own EMA, especially a large jurisdiction such as the City of Cincinnati.

These agreements and the funding arrangements have been in place since 1957 – over 50 years. The written agreements detailing the funding of the current EMA have been in effect since 1989. A change to this structure would need to be considered and approved by the current Hamilton County Executive Board prior to any action by the BOCC.

Regarding the assessment of the HAZMAT/LEPC as a mandated service, this is also incorrect as written in the document. ORC 3750 creates the Local Emergency Planning Commission, and is a mandated function. This mandate is for the planning activities and has nothing to do with the Greater Cincinnati Hazmat Unit, which is a response unit. And, to further clarify the incorrect statement of the BSI, this agency is NOT operated by the Cincinnati Fire Department. Indeed, the Cincinnati Fire Department has NO PERSONNEL at all involved in the Greater Cincinnati Hazmat Unit.

The Greater Cincinnati Hazmat Unit (GCHMU) is a regional response unit that provides the response to hazardous materials incidents throughout the region. They operate under contract to the various counties that are a part of the agreement, including Hamilton County. As part of that agreement, Hamilton County pays a fee for their service, which is currently \$150,000 per year. This fee is a “per capita” fee, based upon the number of residents within Hamilton County. The participation by the BOCC is not mandated, except by the contract with the GCHMU. Theoretically, the BOCC could terminate the agreement with the GCHMU. However, doing so would leave our residents with no one to respond to any type of hazardous materials incident in the county (outside of the City of Cincinnati). Each Fire Department would need to provide these responses, yet they do not have the equipment, training or capabilities to do so. The City of Cincinnati has its’ own hazardous materials response unit, operating independently from the GCHMU. However, the City of Cincinnati is still a “customer” of the GCHMU because of their status as residents of Hamilton County. They (City) choose to provide this service through the Cincinnati Fire Department. And, each unit does provide mutual aid to the other if needed, and by agreement.

2. Who are the recipients of the service or activity for the non-mandated service? How many recipients? Please note any internal customers, other county departments, jurisdictions, businesses, etc. If the service is geographic specific (i.e., a satellite probation office), please identify the neighborhood, township or municipality.

See explanation above regarding Mandated vs. Non-mandated services. The mandated services – the operation of the Hamilton County EMA, provides services to all Hamilton County jurisdictions, including all offices and departments internally. The non-mandated services, provided by the GCHMU, provides services to all internal departments, customers and all jurisdictions within Hamilton County (including the City of Cincinnati, even though they have their own hazardous materials response unit).

2009 Non-Mandated Expenditures Department Response

3. Are there county revenues associated with the non-mandated services? If so, please provide the methodology for any lost revenues. Please consider state or federal reimbursements, grants, fees, etc. Please note if the service or activity is included in the county's indirect cost plan.

See explanation above regarding Mandated vs. Non-mandated services. Currently, the county-wide agreement provides for the application and administration of all grant funds relating to Homeland Security and Emergency Management. There are certain grants – Emergency Management Planning (EMPG); State Emergency Response Commission (SERC); State Homeland Security Grant (SHSGP), which would be reduced if we were to change the agreements and if individual jurisdictions formed their own EMA, as allowed by the ORC. In 2008, the EMPG grant was \$160,930; the SERC grant was \$90,865. This money goes 100% to Hamilton County EMA. If the agreements were abolished and other agencies formed within the county, this money would be divided among those agencies. In addition, the Hamilton County EMA administers all the homeland security funding, because of our status as the county wide emergency management entity. Since 2003, our county has received over \$46 million dollars in Urban Area Security Initiative (UASI) and State Homeland Security Grant funds. The administration of these dollars would be extremely difficult if there were more than one emergency management agency within Hamilton County, and the distribution of the funds vastly different than they are now.

4. If the county did not provide the non-mandated service, is there the potential for increased expenditures in another jurisdiction within Hamilton County? If so, please list the specific municipality and/or township.

See explanation above regarding Mandated vs. Non-mandated services. If the county would void the agreement to provide county-wide Emergency Management, then each jurisdiction would need to either fund their own EMA or provide funding to the BOCC for these services. Regarding the GCHMU, if the county eliminated this funding (\$150,000) and cancelled the contract, then each jurisdiction would need to enter into their own contract with GCHMU for these services, or have their own fire department provide the services (of which they have no equipment or training to do so).

5. Does the non-mandated service include Board of County Commissioner policy via resolution or motion?

See explanation above regarding Mandated vs. Non-mandated services.

6. Are there contracts or agreements that preclude the elimination of a non-mandated service? If so, please provide the specific language as to termination and/or amendment terms.

See explanation above regarding Mandated vs. Non-mandated services.

2009 Non-Mandated Expenditures Department Response

7. What are the equipment/non-personnel expenditure considerations with discontinuing a non-mandated service? (i.e., surplus equipment).

See explanation above regarding Mandated vs. Non-mandated services. It is unknown what equipment in the Hamilton County EMA, bought with State grant funds, which would need to be redistributed to other EMA's within Hamilton County if the current agreements were changed or abolished.

8. Do any of the non-mandated services include employees represented by a bargaining unit? If so, please note the union and provide information as to reduction-in-force and job abolishment considerations.

See explanation above regarding Mandated vs. Non-mandated services. No employees within EMA are represented by a bargaining unit.

9. For positions within non-mandated services, are there any special circumstances that preclude a traditional job abolishment process? Separation costs will be addressed centrally including leave balance payouts, unemployment compensation and severance (based on current Commission policy).

See explanation above regarding Mandated vs. Non-mandated services.

10. In addition to positions associated with non-mandated services, the Budget Office included a review of management layers, support staff, and currently vacant positions. Please comment on the impact of eliminating these positions.

See explanation above regarding Mandated vs. Non-mandated services. This issue does not apply.

11. What is the performance impact of not providing the non-mandated service? For example, wait times, waiting lists, case loads, operating hours and other consequences of not providing the service.

See explanation above regarding Mandated vs. Non-mandated services. The impact of not providing for a hazardous materials response to our citizens would be dramatic and dangerous. The consequences would involve loss of life, injury and serious effects to the health and well being of our community.

12. Are there any alternatives that result in savings to the general fund?

See explanation above regarding Mandated vs. Non-mandated services. The options are discussed above.

2009 Non-Mandated Expenditures Department Response

13. Are there more efficient ways to deliver a mandated service that may allow for the savings to offset the cost of a non-mandated service?

See explanation above regarding Mandated vs. Non-mandated services.

14. Is there an opportunity to transfer any non-mandated expenditures to another funding source (i.e., restricted fund or grant)?

See explanation above regarding Mandated vs. Non-mandated services. Currently, any and all expenses that can be legally transferred to a grant are done so by the Hamilton County EMA. For example, of the eight full time employees of the agency, three are fully funded by grant funds. And, the EMPG funds pays for part of the salaries of 4 of the others. In addition, any office supplies, equipment, travel expenses or other items we can charge to a specific grant is done.

15. Does your department have any fees that could be raised to offset the cost of a mandated service?

See explanation above regarding Mandated vs. Non-mandated services.

Other Considerations and Comments:

See explanation above regarding Mandated vs. Non-mandated services. The current structure has been in place for many years, beginning over 50 years ago in the original Civil Defense Agency. The BOCC has funded part of the operation of emergency management within this county for all those years. The program is successful, partly because of the commitment of the BOCC over the years and for the establishment of one county-wide program to manage these functions. While the ORC does allow for other means to fund the agency, this funding process was not established in 1989 when the current agreements were signed. To change the agreements would require an adoption by all 49 jurisdictions within Hamilton County (after approval by the Hamilton County Emergency Management Executive Board) of the new agreements with the new funding arrangements. The possibility of funding the Hamilton County EMA by all participating jurisdictions was discussed at past meetings of the executive board, with unanimous opposition to this proposition. To make such a change would be difficult, if not impossible.