

MINUTES

DISASTER RELIEF AND RECOVERY SPECIAL COMMITTEE

September 24, 2007
Room 313-S—Statehouse

Members Present

Representative Lee Tafanelli, Chairperson
Senator Ruth Teichman, Vice-Chairperson
Representative Louis Ruiz, Ranking Minority Member
Senator Janis Lee
Senator Roger Pine
Representative Richard Carlson
Representative John Faber
Representative Dennis McKinney

Members Absent

Senator Derek Schmidt

Staff Present

Kathie Sparks, Kansas Legislative Research Department
Amy VanHouse, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Bruce Kinzie, Office of the Revisor of Statutes
Mary Torrence, Office of the Revisor of Statutes
Judy Swanson, Committee Assistant

Conferees

Kansas Adjutant General Todd Bunting
Bill Chornyak, Deputy Director, Kansas Division of Emergency Management
Angie Morgan, Kansas Division of Emergency Management
Chief Forrest Walter, Mission Township Fire District
Chief Tom Garcia, Shawnee Heights Fire District
Terry Woodbury, President, Kansas Communities, LLC.
Steve Kirk, President, Centera Bank
Levi Smith, Youth Representative
Nico McMurray, Youth Representative
Pastor Christa Zapfe, Kiowa County Ministerial Alliance
Mike Estes, Co-owner, John Deere Dealership
Steve Hewitt, Greensburg City Administrator

Darren Headrick, Superintendent of Greensburg Schools

Other Attendees

See attached list.

Morning Session

Chairperson Tafanelli called the meeting to order at 10:12 a.m. and welcomed all those in attendance. There were several conferees who cancelled at the last minute, and they will appear at a later date. He noted an invitation would be extended to the county commissioners and county emergency preparedness directors from counties which had received Individual and Public Assistance designation from FEMA this year to testify at the October 3-4 Committee meetings. If there are others who Committee members want invited, they should contact Kathie Sparks.

A letter from the Kansas Department of Transportation was submitted to the Committee regarding the State's 800Hz Interoperability Communication Program providing information the Committee requested (Attachment 1).

Senator Teichman moved to approve the minutes of the August 22-23 Committee meetings. Representative Ruiz seconded the motion, and the motion carried. It was noted follow-up information has not yet been received from FEMA.

Representative Ruiz moved to approve the minutes of the September 6 Committee meeting. Representative McKinney seconded the motion, and the motion passed. Senator Teichman thanked staff for the excellent job they did in thoroughly recording the proceedings.

Kansas Adjutant General Todd Bunting stood before the Committee to answer questions. He introduced Bill Chornyak and Angie Morgan from the Kansas Emergency Management Office. General Bunting responded:

- The Emergency Management Office logs in all emergency requests;
- He requires positive contact with each county twice a day during a disaster;
- The Office only deals with county requests and does not take requests from cities, per the statute requirements;
- The knowledge about FEMA requirements for reimbursement varies from county to county and training continues to be the big issue;
- State agencies are sometimes unclear as to what core functions are reimbursed by FEMA;
- The Office maintains that some decisions have to be based on "the right thing to do," then, after the fact, attempt to receive FEMA reimbursement;
- The Office will have better emergency plans in the future based on their experience with this year's disasters; and
- All counties have approved plans in place.

Angie Morgan, Kansas Emergency Management Office, testified they have developed on-line software so counties can always have a current plan. All counties use the same format. The federal government requires a mitigation plan, however, following the federal government's requirements for the mitigation plan are very difficult. Currently, between 12 and 20 counties

have approved mitigation plans. There is a waiver for ten counties in Southeast Kansas so they can have additional time to be approved. The mitigation funding may be used for safe rooms in schools and hospitals, communications (weather warnings), and buy-outs of property in flood plain areas. Once mitigation funding is received, it is not tied to any particular locale and can be spent in any county in the State. Expenditures from the mitigation funds are determined by a mitigation team.

General Bunting further responded to Committee members' questions:

- He will report back to the Committee concerning state agencies having proper accounting systems for accurate recording of their costs;
- Allowable recoverable expenses seem to be a problem;
- Mitigation is cumbersome on the federal level, and the fiscal note is too high for some communities;
- Identification (ID) of local officials of some type would be good for people going into disaster areas;
- More incident management team training needs to be done;
- The goal of Great Plains Regional Training Center is to expand training;
- He will recommend staffing numbers to the Committee in the future;
- State agency emergency plans are approved by General Bunting's office, and signed by the Governor; and
- Minor statute amendments are needed, and he will provide those to the Committee in the future.

Senator Teichman said she felt the Legislature needed to fully fund the update on the accounting system next session.

Representative McKinney expressed concern on getting IDs to proper personnel during a disaster. A pre-existing ID did not help in the Greensburg disaster, because there were some people in uniform who were allowed into the area who should not have been there. Also, because of lack of ID, there were key players in the area who were denied access into the disaster area. General Bunting said it was unfortunate these incidents occurred.

Chairperson Tafanelli expressed his thanks to General Bunting for appearing before the Committee, and also asked him to extend appreciation to his staff for the good work they have provided during the recent disasters.

Chief Forrest Walter, Mission Township Fire District, testified to the Committee seeking ways that emergency services could receive FEMA funds when responding to disasters outside of their own agency (Attachment 2). During the Topeka flood they assisted the City of Topeka, but FEMA did not reimburse them for helping the City due to the fact that they normally do not charge each other for mutual aid. He thought perhaps the State Emergency Management office could take the lead. He said the solution is to not get rid of the state mutual aid agreement, but to come up with an alternative where they could get some aid from another entity after an emergency. He said their bill to the City of Topeka would have been \$2,800 for labor and equipment for assistance during the flood. In response to Representative Carlson, Mr. Walter said he thought the State could change the mutual aid agreements.

Chief Tom Garcia, Shawnee Heights Township Fire District, also testified to the need of entities to get reimbursement for services they provide to agencies outside of their own area (Attachment 3). The problem is that FEMA will not reimburse agencies that respond to an emergency unless the mutual aid agreement for the participating agencies contains a provision for interagency reimbursement. He said Kansas Intrastate Emergency Mutual Aid Act needs to

be amended to include a compensation provision that is triggered when agencies are involved in declared disasters, and Kansas officials need to approach FEMA and express concern over the current reimbursement policy.

Angie Morgan confirmed that mutual aid applicants are not reimbursed by FEMA if they come in from another area. She said she does not think FEMA will change this regulation. The Emergency Management Office will now allow the first eight hours of wages to be reimbursed. The reimbursement can come from the State. There is some difficulty with the mutual aid, but her Office is looking to update their reimbursement policies. She testified the Emergency Management Office acts as a “broker” for services.

In response to a request from Representative Ruiz, staff will see if the refinery management staff in Coffeyville will appear before the Committee. Chairperson Tafanelli asked members to let staff know of items they would like to have included in the Committee report. If more time is needed for hearings, Chairperson Tafanelli will ask the Legislative Coordinating Council for additional meetings.

The Committee recessed from 11:45 a.m. to 1:40 p.m.

Afternoon Session

Chairperson Tafanelli announced the afternoon proceedings concerning recovery efforts in Kansas were going to be filmed by The Discovery Channel. Each member was asked to sign an Appearance Release ([Attachment 4](#)). If anyone prefers not to appear on film, he asked them to note that on the release form. No compensation will be provided for appearance in the film.

Terry Woodbury, President of Kansas Communities, LLC, reviewed how he works rebuilding the public square in Kansas, one community at a time ([Attachment 5](#)). His process is finding and developing rural community leaders. He is looking for new leaders within each community. He believes if you want to change, rebuild the public square. Environments should be created where leadership will step up and not be afraid of retribution. He works currently in fourteen communities. Greeley and Chanute were his first two communities. The normal process is to spend between two and six months within the community before beginning the process. The public square is not a physical place, but a group of four individual sectors:

- Finance;
- Youth;
- Health and Human Services; and
- Business.

In Greensburg, Mr. Woodbury said he had to work from the top down, instead of from the bottom up, which is the usual way his process works. Greensburg has employed him. The Legislature has shown enormous support for Greensburg. FEMA said it was unusual to have a relationship with a state that was as good as the relationship they have with Kansas. He said the vision developed by the visionaries in Greensburg was phenomenal. The Coffeyville disaster happened soon after the Greensburg tornado, and actually lost more houses than Greensburg. The difference was that the flood in Coffeyville wiped out poor people, so the racial, economic, and socio-economic factors became an issue.

Steve Kirk, President of Centera Bank in Greensburg, expressed his gratification to the Committee for their help. He said it is hard to know how to say “thank you” big enough for all the support Greensburg has received. He personally lost his home and provided a very moving story of his personal experience during and after the storm.

Mr. Kirk said of Mr. Woodbury’s plan that it creates a format for people to participate in and take ownership in the rebuilding process. The City was fortunate to bring in a nationally known speaker, Jack Shultz, author of Boomtown USA, to provide inspiration for a “can do” attitude. Mr. Kirk repeated their vision statement, “Blessed with a unique opportunity to create a strong community devoted to family, fostering businesses, working together for future growth.”

Levi Smith and Nico McMurray, representing the youth of Greensburg, thanked the Committee and expressed joy that 15 and 16-year olds were invited to attend and felt it was a privilege to do so. Since the tornado, Mr. Smith said it seemed dumb not to return to Greensburg and make it a better town. Before the tornado, they wanted to live somewhere else, but now they want to help the community move ahead. FEMA had student sector meetings. Now every Monday since school started, students attend meetings and find out what is going on. They want to make sure the rebuilding is done right for future generations. The students are focused on the school and non-denominational Youth for Christ Center. They want the school to remain on Main Street and are trying to get more youth involved by gathering youth’s ideas. The students believe they have the opportunity to make the town a model town for the nation. Chairperson Tafanelli complimented Mr. Smith and McMurray on their efforts.

Pastor Christa Zapfe, Kiowa County Ministerial Alliance, said she moved to Greensburg two years ago. All nine ministries in Greensburg were destroyed. The disaster created the opportunity for everyone to meet in a tent for community services. After the tornado, she said people stood together and provided counselors for children and small groups. Many women and children have risen up as community leaders because of need.

Mike Estes, co-owner of the John Deere dealership, lost the dealership in the tornado. He presented an outline of how Greensburg is working towards recovery (Attachment 6). Originally, some businesses were talking about leaving Greensburg; so a few businessmen held a meeting and found 61 businesses wanted to return, and the business community relationship with the public square is good. Their goals are business retention, new businesses and future business development. He sees the group he works with evolving into an active Chamber of Commerce. The disaster aid the 2007 Legislature passed was vital to the community. Almost \$5 million has been allocated. Their cooperative efforts include the hiring of an Economic Development Director, short-term business location needs, six temporary mobile offices, and government partnership. Excellent relationships are being built. He again thanked the Committee for all the aid and support, and said he feels their hope and vision will be met.

Committee discussion was held with the conferees:

- Representative Faber said no thanks was necessary from Greensburg, and he appreciated everyone from the disaster areas taking time to attend the Committee meeting;
- Mr. Woodbury said there was probably no one reason the mayor and the acting mayor resigned. Leadership structure was fragile before the disaster;
- Mr. Woodbury said he has experienced no push back from the Greensburg community;

- Mr. Woodbury, in response to Representative Ruiz's question of how to answer his constituents when they ask why tax dollars are being used to rebuild Greensburg, responded society at large has been destroying rural America, and Greensburg represents the best that we are and is a symbol of America;
- Mr. Smith and Mr. McMurray said school consolidation was addressed with students, and they found students were in favor of consolidation. Unfortunately, it is the parents who are not in favor;
- Senator Pine commented it was a privilege to see such positive response from the Greensburg community;
- Senator Lee said it was refreshing to see community gratitude toward government; and
- Mr. Smith and Mr. McMurray said some of the youth suggestions are being considered, such as Frisbee golf, and bigger picnic areas. FEMA accepted their recommendations. Chairperson Tafanelli encouraged Mr. Smith and Mr. McMurray to stay active in the recovery process as it is their future.

Chairperson Tafanelli thanked everyone for appearing before the Committee.

Levi Smith read a letter from John Janssen, Mayor of Greensburg, outlining the vision of Greensburg, and how it intends to accomplish recovery ([Attachment 7](#)).

Steve Hewitt, Greensburg City Administrator, discussed Greensburg's long-term recovery plan. Some of the concerns are how they are going to be able to fund the community projects. There is a funding gap of over \$1 million just to return the city to its prior condition, however, the citizens want to make the city better. Improved projects will require additional money. The City is working on a new water tower, which will cost approximately \$800,000, which is double the cost of replacing the original water tower (\$400,000). Over 90 percent of their property tax base is gone, and the City is operating on funds they do not have.

A major concern is affordable housing. The City is very thankful for the housing funding that the State has provided; however, the City does not know what their future budget will be.

Jeanette Siemens, Kiowa County Economic Development Director, testified there were a few businesses that did not sustain damage from the tornado ([Attachment 8](#)). Many businesses, particularly the small ones, were wiped from the face of the earth. Dillon's has committed to return to the community. The State has helped with some interim assistance by providing six used mobile homes to lease to small business for temporary location. Ms. Siemens reviewed several other programs they are trying to utilize to help them rebuild.

Gene West, Kiowa County Commissioner, testified they are faced with rebuilding in a few years what originally took over 100 years to build. Virtually all county projects must be replaced. The courthouse needs to be rebuilt, and it needs to be more functional than the existing courthouse. The courthouse project will cost \$9.7 million. The insurance is \$2.7 million, leaving a gap of approximately \$7 million. Kiowa County has a population of 2,700 people. He said with help, he is confident they will succeed.

Darren Headrick, Superintendent of Schools in Greensburg, said the schools are gone. One hundred percent of the people were displaced. For Greensburg to be revitalized after the

tornado, school must be held in Greensburg. School did open on schedule there, with 74 percent of the school population returning. Schools are the source of activities and community pride. They are in the second phase of recovery and working towards the third phase, which is rebuilding. He has been in contact with neighboring communities about consolidation. It is their goal to build a school to accommodate all current students and increased student population. They are committed to be good stewards of the money provided to them. They will need assistance to get through the gaps, but remain optimistic about their future. They are listening to the youth.

Chairperson Tafanelli thanked the panel for their appearance, and Committee discussion was held with the panel:

- Greensburg leaders said they have not had a chance to do anything yet about the long-term property tax problem. Senator Lee urged them to work with the Joint Interim Assessment and Taxation Committee;
- The number one community goal is to make affordable housing available within the community;
- Taxes will increase;
- They do not know the cost of their government within the next five years;
- Infrastructure is the immediate problem;
- Mr. West said they have been so busy since the tornado, they have not had the time to consider everything that will be required and will try to get projected figures to the Committee as soon as possible;
- Staff was requested to get information from the State of Tennessee about a recovery program being used in Tennessee;
- Mr. Headrick said consolidation in Kiowa County has been discussed, and as they progress they will keep an open door policy in this and other areas. There are many issues to be considered before deciding where to locate schools;
- Mr. Headrick said if the State could assure their schools the current budget for the next two to four years, they would be able to recover. There are no building code issues;
- Commissioner West said he perceives Kiowa County could grow to 10,000 to 12,000 in population within the next 10 to 15 years. In the near term, he does not know how they are going to survive. There is always the possibility that oil and gas production will increase. The urgent replacement projects are the main concern;
- It was the consensus of everyone that the main challenge is housing and housing issue resolution will help get children back into the school district. Representative McKinney said the established families will be fine, but people who lived in apartments and rental housing will not be able to return. The housing should be targeted to the 24-38 age range. Without the affordable housing, Greensburg will not be able to maintain;

- Chairperson Tafanelli said most small towns and communities are faced with affordable housing issues, and the disasters make it worse. The State must decide what a viable solution is, and that is a huge challenge;
- Mr. Hewitt said the timeframe for affordable housing is, hopefully, within the next three to six months, but he fears that is unrealistic. The housing will probably be an issue for the next 10 to 12 years;
- Representative McKinney complimented Mr. Hewitt, Mr. Headrick, and Mr. West on their efforts, and said they have been a good reflection on public service in his area;
- Chairperson Tafanelli said Greensburg will have unprecedented resources, and it will be held as an example of what works in a positive manner;
- Mr. Hewitt said in the future the tax base will be able to sustain the community, but he did not know what the timeframe would be;
- Chairperson Tafanelli said resources must be positioned to be successful and to be a role model to rural communities all over the U.S.; and
- Representative McKinney said they have one single law enforcement agency; they are already ahead of the game in that area.

Chairperson Tafanelli asked Committee members to review the Long-Term Community Recovery Plan for Greensburg and Kiowa County ([Attachment 9](#)). He said the direction of this Committee is to be a partner in the recovery efforts in Greensburg. He announced the Committee will meet October 3 and 4, and October 25 and 26; however, there is a conflict on October 25 with the Interim Assessment and Taxation Committee, on which Senators Lee and Schmidt also serve as members.

Being no further business, the Committee adjourned at 4:30 p.m.

Prepared by Judy Swanson
Edited by Kathie Sparks

Approved by Committee on:

October 4, 2007

(Date)