

**October NHMA Board Meeting
October 31, 2019
Erin Capps, President**



Board and Committee Members – Roll Call (Quorum Met)

PRESENT: Mary Baker, Donna Boyce, Shannon Burke, Erin Capps; Caroline Cunningham, Ed Hecker, Tom Hughes (Proxy to Ed Thomas); Barb Miller, David Mallory, Jim Mullen, Jim Murphy, Lillian Robison, Taran Roddy (proxy to Erin Capps), Ed Thomas, Annie Vest

NOT PRESENT: Alessandra Jerolleman, John Wiener, Ponnile Olonilua

AGENDA FOR MEETING OF OCTOBER 31, 2019

- I. Roll Call
- II. Minutes
- III. Financial Report; Report on FEMA Grant Progress – David Mallory
- IV. Partnering Updates
 - a. ABA
 - i. Discussion of Need for Co-Author on ABA Book – Ed Thomas
 - b. Others?
- V. FEMA Updates
 - a. CTP
 - b. External Stakeholder Working Group
- VI. Upcoming Events
 - a. Utah Workshop
 - b. Arkansas Floodplain Managers
 - c. Others?
- VII. Committee Updates
 - a. Discussion of Reinstating Legislative Committee
 - b. Other Updates?
- VIII. Other Discussion
- IX. Adjourn

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- I. **Roll Call** - Quorum present
 - II. **Minutes** - TABLED
 - III. **Financial Report; Report on FEMA Grant Progress** – David Mallory

Jim Murphy requested clarification on decreasing values and why that’s happened over the last several months.

David Mallory gave the Treasurer’s Report.

- Balances as of September 30, 2019 were discussed. Accounts payable checks written at end of September have cleared.
- Accounts Receivable represents what we’ve earned on the Grant as of the end of September. End of September was also the end of the quarter when we must turn in quarterly reports and request reimbursement, which is shown in Item #3 of the report.

- The 2017 grant is fully expended at this point and we're about \$3,584.12 into the 2018 Grant, leaving a balance of \$96,415.00. David Mallory is working with the PMT to re-write the scope of work for the 2018 Grant as he felt it was premature. After consulting with the PMT it was moved to the 2019 Scope of Work.
- We have accepted the 2019 Grant with this scope of work in place and now need to go back and re-write the 2018 Scope of Work along the bullet items that are listed. These will center around the idea of getting all 24 Modules that are written now reviewed and accepted by the Board at large. We're very interested in getting into the credentialing process and convening in-person meetings through 2020. We are particularly interested in getting the Risk Analysis with FEMA introduced to the Curriculum, so more folks realize what a fabulous resource this is.
- To Jim's query as to why we are dropping in net equity month to month, that's because we're spending more out of the General Fund than what we're taking in. The Administrative Manager and the Webmaster's time is split between the General Fund and the Grant. We also have expenses out of the General Fund, a variety of subscriptions and so forth that all come out of the General Fund and are not charged to the Grant. David's time is either voluntary or charged to the Grant – none of his time is charged to the General Fund, and most of Ed Thomas's travel is charged to the Grant. Out of the categories that are charged to the General Fund, we're not bringing in enough money to meet the demand. Ed Thomas chimed in last month to talk about some income that we expect to come in from workshops and so forth.

Ed Thomas explained that our primary income for the General Fund is the money that we bring in from workshops. He himself is waiting on payment from a workshop and is planning on making a generous donation from his take on that to NHMA, and Erin Capps is doing likewise from the Utah Workshop when she gets paid. Other than that, it's the donations and the membership that are the basis of our income. We have expenses like generating the newsletter, posting to the web, etc. This year we have not had as many workshops, our primary source of income, as we usually do. We are getting ready for [#GivingTuesday](#) which follows Thanksgiving and hope that folks are planning on giving generously as they did last year, to help make up for some of this. Primarily, strategically and practically, we need to do more workshops to get the information from the Curriculum out into public use and public benefit, and hopefully it will bring us some income.

A question was asked about who to send extra donations to at the end of the year; are checks acceptable?

Erin Capps explained that our webpage has a Donate link that goes through PayPal but folks can also use a credit card; these payments go straight into our account and a notice is generated through our email account. The webpage also has instructions at the bottom of the page explaining where and how to donate by check.

A Motion to approve the Treasurer's Report was made by Erin Capps.

The Motion was seconded by Ed Thomas.

There being no discussion, it was,

VOTED: The Treasurer's Report was accepted.

IV. Partnering Updates

a. ABA

- i. Discussion of Need for Co-Author on ABA Book – Ed Thomas

Ed Thomas reported that there is an American Bar Association magazine called *Probate and Property*. Dr. Keith Porter and Ed Thomas co-wrote an article on earthquakes and the vulnerable buildings in California with respect to the law and engineering, which has been published and just came out today. This was an opportunity to talk about the NHMA Curriculum and safe building,

etc. Ed will be reaching out to FEMA and those at the Earthquake Authority and will try and get the article posted online.

b. Others?

NEMA

The NEMA conference was discussed with particular attention to implementation of BRIC.

Erin Capps attended the NEMA conference along with Jim Mullen, Annie Vest and Taran Roddy. Overall there were some very good sessions.

Jim Mullen reported that there was a lot of excitement as well as anxiety about how BRIC is being implemented:

- NEMA had previously submitted 10 recommendations in a White Paper about what should be done to improve the BRIC formula for mitigation, but none of the FEMA representatives who came were prepared to discuss them.
- NHMA can look at the 10 NEMA Recommendations, and if it agrees on them in whole or in part, can sign on to them.
- Jim mentioned NHMA to David Maurstad and hopes he may cross paths with Erin Capps and make a connection with us.
- Mitigation was also mentioned in the National Security Deputy's speech as well as resiliency around the country and how it's linked to national security and economic security. It was an excellent presentation, very well done.

DISCUSSION:

Erin Capps shared that she looks forward to meeting with David Maurstad when the opportunity arises. Also, one committee that she is on with private sectors on webinars may offer NHMA opportunities to be involved with NEMA.

Annie Vest discussed concern about BRIC and its direction with regard to coastal communities. This concern is shared across all the mid-western states. The program is so huge it's difficult to see how mid-western states will be able to compete for it based on discussions at NEMA. Also, the draft Guidance is more broad than helpful at this point. Time is running out to do this right and there is concern about how this will be perceived by Congress. Ultimately, not much more information was offered at the Conference than she'd already received about the program.

Jim Mullen agreed and explained that the NEMA White Paper is quite thorough. Any community that is serious about mitigation will have some resources provided to help them plan. The mid-western states are just as concerned as the western states and the eastern states; this is a long-term process that requires review periods every couple of years.

Erin Capps shared that already over 5,000 comments have been submitted on BRIC.

Annie Vest offered that ASFPM is also involved and is concerned that other disciplines which will play a huge role are not being engaged to the level they need to be in order to make the program successful. In the SHMO Subcommittee, for example, the SHMOs had no idea what they're supposed to be doing to prepare for this. Everyone is basically waiting for FEMA.

Tom Hughes agreed and pointed out that RISK RATING 2.0 is also coming out shortly and there are no hard facts on it either. There is a feeling of getting into the 'danger zone' and over-selling BRIC.

Annie Vest suggested that NHMA put something together as a resource guide for the SHMOs - BRIC being such a huge program, practitioners could benefit from anything that NHMA can offer from its collective experience with regard to good innovative and successful project examples, both funded by FEMA and not. This could be a very helpful resource.

Erin Capps concurred. Even after talking about BRIC at the Conference and seeing the webinar, she noted that everyone still wondered how it would be implemented.

A Motion for NHMA to put together a White Paper/resource guide on BRIC and look for other organizations to help in doing so was made by Erin Capps.

The Motion was seconded by Annie Vest.

DISCUSSION:

Tom Hughes shared this needs to be the disaster recovery format – BRIC is only a piece of it.

Annie Vest mentioned that the House Committee for Climate Action is accepting comments and recommendations until November 22, and there are several groups that will be putting in comments on BRIC and others.

Donna Boyce agreed this is a great idea - folks in the House are fired up and very willing to listen right now.

Tom Hughes asked if the Board has had a chance to look at the NEMA recommendations relating to BRIC and if there are any criticisms or approvals or agreements that we can share with the Association of State Directors which has people working in DC on these things.

Ed Thomas suggested we develop comments on the NEMA paper and get them back to NEMA for a friendly discussion, and further that we expand or refine the existing NHMA Module on the *Roadmap to Resilience* to incorporate our views on BRIC, and put it in the context that Tom Hughes suggested of managing expectations. Also, to not just focus on the billions of dollars of federal investment, but rather look at the trillions of dollars of private market investment that would be influenced by zone and building codes that are designed for disaster risk reduction. Cross linking with climate variability is the fundamental core of the Curriculum.

Ed Thomas suggested we get something out to the Board to see if we have any thoughts on the NEMA recommendations, and then offer to FEMA as part of our efforts to bring in more money – perhaps offer training of the FEMA staff by the people who really are experts in bringing together the various programs including higher standards to reduce future disasters. We're talking about embarking in an educational mission that can and should be funded in part by our existing funds in the existing grant.

- Suggested moving this to the PMT to get some volunteers to pull this educational effort together.

Erin Capps agreed we need to look at the NEMA recommendations and start incorporating our comments on them as well as into our *Roadmap to Resilience* document and the Curriculum. Jim Mullen to please send her a copy of NEMA's White Paper so she can get it distributed. Erin to work with the PMT to see if we can create our own statement on it as well.

There being no further discussion, it was,

VOTED: NHMA to put together a White Paper/resource guide on BRIC and look for other organizations to help in doing so.

NHMA STRATEGIC PLAN / OPERATIONAL PLAN:

Ed Thomas suggested using funds that FEMA has given us to write up an Operational Plan.

Ed Hecker responded that these are linked – the Operational Plan follows the Strategic Plan. In the discussions he's had with senior staff at FEMA, they have more and more aligned around the implementation of the National Mitigation Investment Strategy, which he believes BRIC will be aligned with in some way. Suggested we take a more inclusive approach and assess this document and where it goes.

A Motion for NHMA to look at its Strategic Plan and development of an Initiative Team and give Ed Hecker the lead on this was made by Erin Capps.

The Motion was seconded by Jim Mullen.

DISCUSSION:

Erin Capps suggested looking at our internal documents, Ed Hecker to assist.

Ed Thomas agreed this is very much needed and appreciated.

Ed Hecker to reach out to some specific folks in this small initial Planning Team. One of the early targets for next calendar year is an Annual Washington Week where we'll meet with some of the people in FEMA and plan a visit to the Hill. We have a good running start between Dave Maurstad, NEMA, and ASFP, and some others will follow.

Jim Mullen agreed that visibility in DC is very helpful. Suggested getting together with two or three of the Associations and build ties between organizations.

There being no further discussion, it was,

VOTED – NHMA to look at its Strategic Plan and the development of an Initiative Team and give Ed Hecker the lead on this.

V. **FEMA Updates**

- a. **CTP**
- b. **External Stakeholder Working Group**

VI. **Upcoming Events**

- a. **Utah Workshop**
- b. **Arkansas Floodplain Managers**
- c. **Others?**

VII. **Committee Updates**

- a. **Discussion of Reinstating Legislative Committee**
- b. **Other Updates?**

Annie Vest reported that on last month's RNN call Tim Trautman got her invited to a Workgroup that was created with experts on the FEMA Buy-Out Program from all over the country. She was in North Carolina the past two days and was part of a work group sponsored by the National Defense Resource Council. The hope was to resolve some ongoing limitations with FEMA's disaster recovery processes as they pertain to residential home-owners post disaster in order to expedite buyouts preplanned for mitigation post recovery.

- The group has about 10 practitioners, researchers, etc.
- They discussed if NHMA could become a kind of vehicle for some of this work and get involvement from other organizations?
- Ed Thomas was mentioned, and NHMA seems to be the most appropriate vehicle from a national perspective to take on some of these issues.
- Ed Thomas is happy help with this.

Donna Boyce also has been involved in resettlement issues in a number of disaster and other related areas, mostly to do with technical issues around zoning and land use, defining a comparable piece of property, etc., and how to do this in a culturally appropriate manner.

- Would love to see NHMA take this on and volunteered to participate.

Ed Thomas suggested a Committee or Task Group be set up to figure out how to do this.

- This is something NHMA could present to FEMA for support of the CTP funding.

Annie Vest shared that aside from the issue of implementation, timing and buyouts, there's a lot of discussion on the use/reuse of affected land, and research on how it affects the tax base or the long term effects on the social aspect of people who are relocated.

- The Nature Conservancy is a big part of this push and had a representative at the meeting.
- Discussion of legal aspects was missing from this conversation and there is interest in getting that aspect involved.
- Annie suggested bringing in some relocation specialists as well; creating an NHMA Committee for this would be very useful.
- Her short-term task with this group is to help create a webinar for funders on how they might be able to fund these efforts in the absence of FEMA's expedited support after a disaster.

A Motion that NHMA create a Task Force lead by Annie Vest to assist a workgroup created with experts on the FEMA Buy-Out Program from around the nation was made by Erin Capps.

The Motion was seconded by Donna Boyce.

DISCUSSION:

Ed Thomas suggested that some attorneys on the America Bar Association Resiliency Task Force be brought in on this discussion, specifically Erin Capps, JoAnn Howard and John Marshall.

Annie Vest will send around the Minutes from the workshop as soon as they are available.

There being no further discussion, it was,

VOTED: NHMA will create a Task Force lead by Annie Vest to assist a Workgroup created with experts on the FEMA Buy-Out Program from around the nation.

VIII. **Other Discussion**

Erin Capps addressed some administrative needs.

- We have received notice from a law firm for copyright infringement about the use of an Associated Press photo that was used and then posted to our website. We are being asked to settle and make a payment for the infringing use of the photograph.
- They're asking a little over \$1,500.00 and Erin Capps will propose less than that.
- Erin Capps suggested that we take this on and respond with a letter on behalf of the Board to the counsel for Associated Press so we can resolve this.

A Motion that Erin Capps be allowed to draft a letter for the Board and communicate with the attorneys for Associated Press in settlement of this claim was made by Erin Capps.

The Motion was seconded by Ed Thomas.

DISCUSSION:

Jim Mullen supported the Motion, but asked if we have any legal representation, paid or otherwise that can advise us on this. Suggested that part of our response should explain that we are a volunteer organization doing good work, we learned the lesson, but don't damage us.

Jim Murphy agreed that we should state we do not have a lot of finances.

Erin Capps explained that she has received communication from their attorneys, and their position is that they do not care what format it was used under, they see only that it was used. Erin suggested we seek a settlement for something less than the \$1,500.00 they are demanding, as we do not have the time and effort to fight this.

Jim Murphy agreed they may have parameters that they work within and don't have a lot of leeway.

Ed Thomas stated that the Subject Matter Expert who used that particular photograph militantly and knowledgeably asserts that *it was fair use*. His concern is that if we do say we've done it, we want to do so in such a way that Associated Press attorneys are not going to come after us again. We want to try and push back on this with the help of the person who used it so we can get to a meaningful point of resolution.

Jim Murphy agreed and suggested making this part of the Agreement we negotiate.

There being no further discussion, it was,

VOTED: Erin Capps will draft a settlement proposal and communicate with the attorneys for Associated Press for settlement of this claim.

IX. **ADJOURN**

A Motion to adjourn was made by Ed Thomas.

The Motion was seconded by Jim Murphy.

There being no discussion, it was

VOTED: The meeting was adjourned.

Meeting adjourned 4:19 p.m. Eastern Time.

OCTOBER 2019 ACTION ITEMS

PMT to develop comments on the NEMA paper and get them back to NEMA for a friendly discussion, and further, expand or refine the existing NHMA Module on the *Roadmap to Resilience* to incorporate our views on BRIC and put it in the context that Tom Hughes suggested of managing expectations.

The PMT to pull together volunteers for an educational effort to offer training to the FEMA staff by the people who are the real experts in bringing together various programs including higher standards to reduce future disasters. This educational mission can and should be funded in part by our existing funds in the existing grant.

Jim Mullen to send a copy of NEMA's White Paper to Erin Capps so she can get it distributed.

Erin Capps to work with the PMT to see if we can create our own statement on BRIC as well.

Erin Capps will draft a settlement proposal and communicate with the attorneys for Associated Press.

Annie Vest will send around the Minutes from the workshop as soon as they are available.

Annie Vest to lead a Task Force to assist a Workgroup created with experts on the FEMA Buy-Out Program from around the nation.

Ed Hecker to take the lead on development of an Initiative Team to look at NHMA's Strategic Plan and the development of an Operating Plan.

Ed Thomas to reach out to FEMA and those at the Earthquake Authority and will try and get the article co-written by himself and Dr. Keith Porter as published in *Probate and Property* on earthquakes and the vulnerable buildings in California with respect to the law and engineering, posted online.