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# TECHNICAL BRIEF

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## GLOBAL LEGISLATIVE RECOMMENDATIONS IN KATRINA'S AFTERMATH

BY  
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At the request of the Mississippi State House of Representatives 2006 Regular Session, the John C. Stennis Institute of Government (hereinafter “the Institute”) at Mississippi State University performed evaluation and analysis of first responder issues in the wake of Hurricane Katrina. The Institute is making two global recommendations to address issues of first responders in the wake of the hurricane. One is legislation mandating the development of a **Business Continuity Plan (BCP)**. The other is legislation mandating the development of a **Resources Clearinghouse**. Each undertaking is grand, indeed, but each undertaking will provide the State with significant constant benefit, not just as related to disastrous events but with everyday usability.

### **Business Continuity Planning.**

The Business Continuity Institute defines Business Continuity Planning as “an holistic management process that identifies potential impacts that threaten an organization and provides a framework for building resilience and the capability for an effective response that safeguards the interest of its key stakeholders, reputation, brand, and value creating activities.” (Source: Business Continuity Institute) While this includes, as a subset, emergency management planning, that is but a subset of a Business Continuity Planning. The Business Continuity Plan (“BCP” or the “plan”), strategically accomplished, will be of service in any event, incident or crisis which may befall an organization. Its preparation requires a complete risk evaluation of occurrences, events or perceptions that may lead to temporary or long-term

business interruption, disruption, loss or crisis, including occurrences which threaten operations, staff, stakeholders, brand, reputation, trust or strategic goals of the organization. The plan becomes a clearly defined and documented hands-on system for use in event of an emergency or crisis. Well developed, it should cover all key personnel, resources and actions required to manage the recovery from a particular anticipated or unanticipated event.

The Institute recommends that BCP be legislated for all agencies of state and local government, and all not-for-profit corporations that receive funds appropriated by the Legislature or any local governing authority for any purpose through grant or contract with any state agency or local governing authority.

### **Resources Clearinghouse.**

A resources clearinghouse would be an asset to link the “disconnects” in services which are obvious (and frustrating) during an emergency situation, but no more obvious or frustrating during the normal course of business if you are the individual seeking the service. The clearinghouse could develop resources available in the private and public sectors and make them available on-line to state and local governments as well as private sector partners who seek to assist those in need of governmental services.

The Institute recommends that participation in the clearinghouse be legislatively mandated for all agencies of state and local government, and all not-for-profit corporations that receive funds appropriated by the Legislature or any local governing authority for any purpose through grant or contract with any state agency or local governing authority.

### **Enormous Undertakings. Why?**

The easy answer is the blame game. Fortunately for us in Mississippi, the Katrina-recovery events have not been bulletted by the national media for the blame game. There is blame, of course, and the ignominy of lack of preparedness and lack of comprehension of devastation so complete. But Mississippi moved forward, and continues to do so. If another disaster befalls Mississippi in the near future, we Mississippians may not be quite so lucky with the blame game. While we rush to play catch-up, to make things “right” after Katrina – we must also engage in solution-making. We do not need the blame game.

The harder answer is to contemplate the nature of disasters which may be waiting in the wings for Mississippi and to contemplate the due diligence with which we are, ultimately and universally charged, post-Katrina.

Kinds of disasters? Ah, yes. Untold kinds of disasters! Experiences stemming from 9/11 in our own country, and associated acts of terrorism in other western nations (notably Canada, Great Britain and Spain), when considered in the context of Mississippi's rich resources (a seaport, a nuclear power plant, a refining industry, and several governmental military and space installations, to name a few) should make us mindful of the possibility of an event of terrorism within our boundaries. Our poultry industry, a viable and important economic force in Mississippi, has associated dangers as well. The World Health Organization reminds us of a pending avian flu pandemic, urges us to take preparatory actions to assist in the thwarting or restricting of the disease H5N1 avian influenza in poultry and wild birds, which has no known vaccine. Even nominal attention to National Weather Service alerts reminds us that Mississippi, while not in the "Tornado Alley" of the Texas, Oklahoma and Kansas corridor, is a part of a secondary tornado track that runs from the mouth of the Mississippi at New Orleans, through our State and on into Tennessee, Kentucky, Indiana and Illinois. Two major east-west arteries travel through Mississippi's land (I-10 and I-20), while U. S. Highway 82 remains a reliable truck route and an emergency on I-40 near Memphis could impact thousands of Mississippi's residents. And even in a state as beautiful and peaceful as our own, workplace violence – such as that which occurred in Meridian in 2005 and other violent incidents which motivated the legislature to pass Mississippi's "Castle Doctrine" law in the 2006 session – can no longer be regarded as other people's problems. Sprinkle in occasional flooding in low-lying areas, unanticipated power disruptions, the uncharacteristic winter snow or ice storm, or an outbreak of food-poisoning derivative of a local fast food chain, and we have disasters of varying degrees, sizes and severities with which to contend which include loss of staffing, infrastructure, communication tools, and massive community evacuation and disruption.

Due diligence? Yes, again. Mississippi has survived the unimaginable, but our citizens will not only be less resilient if another disaster occurs on the heels of Katrina, but they will be less forgiving of their leaders who fail in undertaking initiatives to prepare them. Responsible leadership compels action.

While in the full document we comment, analytically, on the enormous statutory responsibilities given MEMA, perhaps without resources adequate for

the task for sufficient regulatory oversight to compel compliance with some of its mandates, due diligence in, for example, the spring of '04 in preparation for the hurricane season, would have indicated that something was amiss. MEMA could not perform all that was required of it without more resources and without mandating cooperation and compliance with the local government component.

A review of the vast amount of literature on disaster preparedness, coupled with the articulated complaints and frustrations of coast survivors and leaders indicates that **Business Continuity Planning** and **Resources Clearinghouses** are the largest scope initiatives which can provide the most durability, not only in the face of untoward events, but for the insulation of proper practices on a day-to-day basis. The review of the literature is a complement to the decisional practices of due diligence – engrossing knowledge to assist in identifying and reducing risks.

### **Bullet Points of the Proposals.**

- **BCP**
  - Mandate participation. This can only be done legislatively with incentives/disincentives/risks/penalties for non-compliance. Mandate that responsibility for development, testing and audit occur as a result of top-down management, and hold top authorities accountable.
  - Provide sufficient training that the entity's BCP will be professionally accomplished. (A BCP can be performed by a consultant, but the literature suggests that the better practice is accomplishment in-house.)
  - Provide follow-up training to monitor particular issues of development, implementation or audit and to ensure compliance in development.
  - Make on-site training and consultation available to the individual entities at a reasonable price if an entity is unable to comply after common comprehensive training.
  - Require semi-annual testing, audit and revision of the plan.
  
- **Resources Clearinghouse**
  - Mandate participation. This can only be done legislatively with incentives/disincentives/risks/penalties for non-compliance.

Mandate that responsibility for compliance is vested in the agency head, chief political officer, or in the case of a not-for-profit, the president of the board or executive director.

- Provide an on-line vehicle for access.
- Mandate data-refinement no less frequently than quarterly.
- Contract with an entity that can accomplish data-management on line by development and coordination of data, an on-line editor to implement initial collection of data content and contacts, regulation and spot-check verification of data accuracy.
- Consider bilingual clearinghouses in order to accommodate the needs of Mississippi's Vietnamese, Hispanic or other special-needs populations.
- Consider an add-on resource to determine available of corporate resources for special needs of Mississippi's citizens, developing on-line links from the Resources Clearinghouse to the corporate resource.

### **Fiscal Projections.**

Fiscal projections are based on evaluations of the Institute's Department of Management of Technology Services and the Institute's Center for Governmental Training, with reference to current cost schedules available due to ongoing training and IT database enterprises.

### **BCP.**

The fiscal projection for BCP training in the first year would be \$3,000 per participating individual. This could be paid for out of the agency or state or local government budget, or that budget could be supplemented by the Legislature if the Legislature so desires. Additional on-site consultation could be requested and accomplished at a cost of \$500 a day, exclusively in the province of the entity requesting consultation. Additional entity costs would include travel and *per diem* associated with the training. Other costs associated with the BCP preparation would be agency costs that would not be specific, out of pocket costs, but would include a re-allocation of personnel during the development period and semi-annual testing periods.

### **Resources Clearinghouse.**

The fiscal projection for the Resources Clearinghouse would include a first year commitment of \$175,000.00 with ongoing yearly costs of \$50,000.00

to \$75,000.00. The first year's cost includes hard costs: web/database servers; software and other required licenses; set-up and development by qualified technology service providers. Successive years' costs would include maintenance; software upgrades and licensing; production upgrades by qualified technology service; and dedicated personnel who would be responsible for spot-checking regulatory compliance, assisting with on-line issues, etc. (The ongoing projection contemplates using dedicated student workers as would be used at the Stennis Institute; situating the clearinghouse in a private facility may increase personnel costs.)

### **Basic Training in Emergency Authority.**

While not global in scope, based on the repeated comments and queries of local leaders, the Institute recommends legislation which requires the development of basic training in emergency authority. (This recommendation is complementary to, and a part of, a potential revision of emergency statutory authority into a more usable volume. The recommendation suggesting refining emergency legislation is available in the report of the John C. Stennis Institute of Government "Katrina First Responders: Analysis and Recommendations Pursuant to House Bill 1324".)

The Institute makes the recommendation that all appropriate officials of state and local government be trained so that each understands his/her authority to make and operate under emergency orders, rules and regulations. This recommendation should be followed regardless of whether current emergency legislation is refined in this session or any other session. Interviews with local government leaders on the coast clearly established that they desired more fluency with the parameters of their authority in emergency situations.

The Institute recommends that the training be made mandatory with each new term of office (every 4 years), and also be provided in a compressed, on-line short course to be taken by officials within 20 days of certification of election results. While a comprehensive on-line course can be developed, and on-site training could be contracted, the Institute recommends that training be held in a more traditional training environment annually. The Institute recommends the traditional training environment because of the exchange of information which results.

Again, drawing on the expertise of the Institute's Management of Technology Services Division and the Institute's Center for Governmental

Training, the costs which should be anticipated with aspects of this training recommendation are as follows:

First year, one-time development of the training curriculum (to include an emphasis on emergency authority inherent in emergency response statutes, leadership, and coordination of community resources), training materials and templates, and the on-line training component: \$60,000.00.

Tuition for a one-day traditional training event: \$200.00 per trainee. (Other expenses which the trainee/employer may contemplate would be *per diem* and travel.) On site training events could be accomplished and the cost would depend on number of participants, but would probably not be less than \$500.00 per event.

Remote on-line access for the compressed, on-line short course, on a password secure per event basis: \$75.00 (available, updated, within 1 day of certification of election results).

Development of an on-line database containing references to statutes, materials, templates and suggestions for convenient 24/7 access, which could be made available on the Institute's Center for Government Training Website: \$7,500.

Once developed, each of the training components could be updated with little or no additional fund outlay.

## **CONCLUSION.**

Knowledge and preparation are the basis of any catastrophic event. They are, moreover, the basis of good government. A consideration of the comments of Katrina survivors, both official leadership and citizenry, as well as an observation of best practices, assisted the Institute in the development of these recommendations. We at the Institute hope that these ideas assist the Legislature as it anticipates the 2007 Session.

## ABOUT THE AUTHOR:

### LYDIA QUARLES, J.D.

Lydia Quarles is a Senior Policy Analyst at the John C. Stennis Institute of Government, Mississippi State University. She received her *Juris Doctorate* in 1975 from Cumberland School of Law, Samford University, and her MA and BA from Mississippi University for Women, in 1972 and 1971 respectively, in political science and communication. After over a dozen years in the private practice of law in Alabama and Mississippi, she joined the Mississippi Workers' Compensation Commission as an Administrative Judge in 1993. Eight years later, in 2001, she was appointed Commissioner of the agency. In 2006, she resigned to join the Stennis Institute.

Quarles remains active in bar work, and currently chairs the Women in the Profession Committee, a standing committee of the Mississippi Bar. She also serves as co-chair of the Mississippi Supreme Court's "Gender Fairness Implementation Study Committee" and acts as the Chief Operating Officer of the Workers' Compensation Section of the Mississippi Bar. She is a fellow of the Mississippi Bar Foundation, a recipient of the Mississippi Bar's Distinguished Service Award, a member of the Mississippi School for Math and Science Foundation Board and a member of the MUW Alumni Board. Quarles was recently honored by the American Bar Association's Administrative Law and Regulatory Practice Section, receiving the Mary C. Lawton Award for lasting contributions to the Mississippi Workers' Compensation Commission in the areas of alternative dispute resolution and access for Hispanic workers.

In 2004, Quarles was named one of Mississippi's 50 Leading Business Women by the Mississippi Business Journal; the Journal recognized her service to the State as a Commissioner as well as entrepreneurial skills developed in her property management business in Starkville, Spruill Property Management, LLC

## ABOUT THE INSTITUTE:

Elected to the United States Senate in 1947 with the promise to "plow a straight furrow to the end of the row," John C. Stennis recognized the need for an organization to assist governments with a wide range of issues and to better equip citizens to participate in the political process. In 1976, Senator Stennis set the mission parameters and ushered in the development of a policy research and assistance institute which was to bear his name as an acknowledgment of his service to the people of Mississippi.



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