

SAN LUIS OBISPO COUNTY

EMERGENCY OPERATIONS PLAN ANNEX TWO – CONTINUITY OF GOVERNMENT



REVISION DATE:

DECEMBER 2016

TABLE OF CONTENTS

1. INTRODUCTION 1

2. PRESERVATION OF LOCAL GOVERNMENT 1

 2.1 Standby Officers 1

 2.2 Alternative County Seat 7

 2.3 Vital Records and Protection of Information Technology 7

 2.4 Protection of Fiscal Operations 8

 2.5 Countywide Information Security Program 8

1. INTRODUCTION

A disaster or other situation could result in the injury or death of key government officials, the partial or complete destruction of established seats of government, and the destruction of public and private records essential to continued operations of government.

Article 15 of Section 8635 et seq., of Chapter 7, Division 1, of Title 2 of the California Government Code (hereafter referred to as the California Emergency Services Act) establishes a method for reconstituting local governments, including a governing body.

2. PRESERVATION OF LOCAL GOVERNMENT

Section 8635 of the California Emergency Services Act reads, in part:

“In enacting this article the Legislature finds and declares that the preservation of local government in the event of an enemy attack or in the event of a state of emergency or a local emergency is a matter of statewide concern. The interdependence of political subdivisions requires that, for their mutual preservation and for the protection of all the citizens of the State of California, all political subdivisions have the power to take the minimum precautions set forth in this article. The purpose of this article is to furnish a means by which the continued functioning of political subdivisions will be assured.”

Various sections of Article 15 of the California Emergency Services Act provide for certain authorities which allow for the ability to develop procedures to help ensure continuity of government at the local level. Based on these and related authorities, the following sections of this document provide for procedures to help ensure the continued functioning of San Luis Obispo County government in the event the governing body is unavailable to serve.

Also addressed in the following sections are alternates for the County Director of Emergency Services, County Administrator and County Department head succession for emergency situations. Note: It is recognized that from time-to-time position titles such as those used in civil service may change. A change in civil service title for purposes of continuity of government in this Plan will not affect the order of succession and such title changes in this document will not be considered a policy change.

2.1 Standby Officers

Section 8638 of the California Emergency Services Act reads:

To provide for the continuance of the legislative and executive departments of the political subdivision during a state of war emergency or a state of emergency or a local emergency the governing body thereof shall have the power to appoint the following Standby Officers:

- (a) Three for each member of the governing body.
- (b) Three for the chief executive, if he or she is not a member of the governing body.

In case a standby officer becomes vacant because of removal, death, resignation, or other cause, the governing body shall have the power to appoint another person to fill said office. Standby officers shall be designated Nos. 1, 2 and 3 as the case may be.

The Standby Officers shall have the same authority and powers as the regular officers or department heads, as appropriate.

Relating to the duties of Standby Officers, section 8641 of the California Emergency Services Act reads:

Each standby officer shall have the following duties:

(a) To inform himself or herself of the duties of the office for which the officer stands by. Officers and employees of the political subdivision shall assist the Standby Officer and each political subdivision shall provide each standby officer with a copy of this article.

(b) To keep informed of the business and affairs of the political subdivision to the extent necessary to enable the Standby Officer to fill his or her post competently. For this purpose the political subdivision may arrange information meetings and require attendance.

(c) To immediately report himself or herself ready for duty in the event of a state of war emergency or in the event of a state of emergency or a local emergency at the place and in the method previously designated by the political subdivision.

(d) To fill the post for which he or she has been appointed when the regular officer is unavailable during a state of war emergency, a state of emergency or a local emergency. Standby Officers Nos. 2 and 3 shall substitute in succession for Standby Officer No. 1 in the same way that Standby Officer No. 1 is substituted in place of the regular officer. The Standby Officer shall serve until the regular officer becomes available or until the election or appointment of a new regular officer.

2.1.1 Standby Officer Service

Service as a Standby Officer shall be in an ex officio capacity as a part of the primary duties of the officers and employees so designated. As such, no change in compensation or employment status shall be engendered by service as a Standby Officer hereunder.

As required by section 8640 of the Government Code of the State of California, each person holding a position designated as a Standby Officer shall take the oath of office required for the officer occupying the office for which the officer is standby. Persons acting in interim, acting or temporary capacities in the positions designated as Standby Officers shall not take the oath of office and shall not assume the standby duties designated; in this case the next designated Standby Officer shall assume the Standby Office.

Provision of section 8635 through 8644 of the California Emergency Services Act shall apply to

the Standby Officers designated herein.

2.1.2 Board of Supervisors

As allowed by section 8638 of the Government Code of the State of California and to provide for the continuance of governmental functions of the County of San Luis Obispo during a state of war emergency or a state of emergency or a local emergency, the following Standby Officers are designated should the primary officer be unavailable:

District 1:

- 1) Public Works Director
- 2) Assessor
- 3) District Attorney

District 2:

- 1) Auditor-Controller
- 2) Health Agency Director
- 3) Clerk-Recorder

District 3:

- 1) Clerk-Recorder
- 2) Public Works Director
- 3) Assessor

District 4:

- 1) Assessor
- 2) District Attorney
- 3) Auditor-Controller

District 5:

- 1) District Attorney
- 2) Auditor-Controller
- 3) Health Agency Director

Should the chair and vice-chair both be unavailable, the duties of the chair shall fall to the remaining available regularly elected board member who has been serving the longest. Should there be more than one remaining available regularly elected board member who has equal time in service, the duties of the chair shall fall to the lowest District Number Board member, in the order of Districts 1 – 5.

Should no regularly elected board member be available Standbys shall choose a Standby chair with a majority vote. Should a majority vote not be obtained the Standby chair shall be an available Standby for the Board of Supervisors who has held San Luis Obispo County government elected office the longest.

The term "unavailable" as used herein is defined in section 8636 of the California Emergency Services Act. Section 8636 reads:

As used in this article, “unavailable” means that an officer is killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his duties. Any question as to whether a particular officer is unavailable shall be settled by the governing body or the political subdivision or any remaining available members of said body (including Standby Officers who are serving on such governing body).

In the event all members of the Board of Supervisors, including all Standby members, are unavailable, section 8644 of the California Emergency Services Act allows for the appointment of temporary officers. Section 8644 reads:

Should all members of the governing body, including all Standby members, be unavailable, temporary officers shall be appointed to serve until a regular member or a Standby member becomes available or until the election or appointment of a new regular or Standby member. Temporary officers shall be appointed as follows:

(a) By the chairman of the board of supervisors of the county in which the political subdivision is located, and if he is unavailable,

(b) By the chairman of the board of supervisors of any other county within 150 miles of the political subdivision, beginning with the nearest and most populated county and going to the farthest and least populated, and if he is unavailable,

(c) By the mayor of any city within 150 miles of the political subdivision, beginning with the nearest and most populated city and going to the farthest and least populated.

In relation to the above, section 2.80.140 of the San Luis Obispo County Code reads, in part:

Should all members of the board of supervisors, including all Standby officers, be unavailable, temporary members of said board shall be appointed pursuant to Government Code Section 8644, and to future amendments thereto; provided however, that in the event such appointments are made by the board of supervisors' chairman of other counties within one hundred fifty miles of this county, then the following shall be the order in which such other counties shall appoint:

- (1) Kern County;
- (2) Santa Barbara County;
- (3) Monterey County;
- (4) Kings County.

2.1.3 County Administrative Officer

In accordance with section 8638 of the California Emergency Services Act and to provide for the continuance of governmental functions of the County of San Luis Obispo during a local emergency or a state of emergency or a state of war emergency, the following Standby Officers are designated should the primary officer be unavailable for the position of County Administrative Officer:

Note: The term "unavailable" as used herein is defined in section 8636 of the Government Code of the State of California.

1. Assistant County Administrative Officer
2. Division Manager within the Administrative Office. If more than one Division Manager position is staffed, succession will be based on seniority.
3. Principal Administrative Analyst within the Administrative Office. If more than one Principal Administrative Analyst position is staffed, succession will be based on seniority.
4. Principal Administrative Analyst or successor position over the Office of Emergency Services. If more than one Principal Administrative Analyst or successor position is staffed, succession will be based on seniority.

The standby officer shall serve as the County Administrative Officer on an immediate, short interim basis until the Board of Supervisors can appoint an interim or permanent replacement of their choosing.

Should none of the above be available, the interim County Administrative Officer shall be determined by the Board of Supervisors. For interim emergency purposes, consideration might be given to appoint department heads from the larger county departments, such as the Health Agency director or the Public Works Director, depending on department head experience.

San Luis Obispo County Code section 2.80.060 provides that the County Administrative Officer shall be the Director of Emergency Services. However, the role of Director of Emergency Services does not automatically fall to the Standby Officers listed above. As a result, the above Standby Officers will not fill the role of Director of Emergency Services unless their position is so designated in the following section of this document.

2.1.4 San Luis Obispo County Emergency Services Director Lines of Succession

County Code section 2.80.100 states that the Director of Emergency Services shall designate in writing the order of succession to that office, to take effect in the event the director is not available to attend meetings or otherwise perform his duties during an emergency. 2.80.100 also indicates such order of succession shall be approved by the Board of Supervisors. Approval of this Emergency Operations Plan by the Board of Supervisors also provides for approval of the order of succession of the Director as indicated below.

Should the Director of Emergency Services (commonly referred to as Emergency Services Director), who is the County Administrative Officer be unavailable or unable to serve, the following succession order shall be followed, except under the conditions identified in the following paragraph, to serve in the role of Emergency Services Director:

1. Assistant County Administrative Officer;
2. Emergency Services Manager/Principal Administrative Analyst over the Office of Emergency Services;
3. County Sheriff;
4. Health Agency Director;
5. County Public Works Director;
6. On Duty Sheriff's Watch Commander until relieved by a higher ranking Sheriff's Department employee.

Should a vacancy occur in one of the above positions other than County Administrator or Assistant County Administrative Officer, the County Administrator may remove that position from the line of succession until such time as the person filling that position has sufficient knowledge of the county, including the county's emergency organization and related procedures, to perform the duties of alternate Emergency Services Director. That determination shall be made by the County Administrator or Assistant County Administrative Officer with possible input from other members of the county's emergency organization. The Emergency Services Director may also remove any alternate ESD from the line of succession should conditions develop which would make it in the best interest of the emergency organization of the county.

Should the person that usually fills any position of authority referred to in this plan not be available, his or her alternate has the same authority to act and carry out the provisions of this Plan, with the exception of serving as County Emergency Services Director unless otherwise specified. Such authority shall be effective from the time the primary person in authority is unavailable and shall be valid until that primary person is available or for the duration of the emergency, whichever occurs first; this can be overridden by the ESD. This information should be stated in each entity's Standard Operating Procedure or related emergency planning procedure or guide.

If it is undefined as to where a Standby Officer should report during an emergency. It may be appropriate to report to the County Emergency Operations Center or his/her Department Operations Center depending on the emergency. If the officer cannot establish communication and cannot get to a County DOC or EOC, he or she should go to a city EOC or Public Safety Answer Point (PSAP) to get tied into a communications system with which the officer can make contact with the County EOC.

2.1.5 San Luis Obispo County Department Head Succession and Reporting Stations

Within San Luis Obispo County government, each department head may delegate their succession authority to personnel within their department for emergency response purposes. Should this not occur, department head succession for emergency response purposes will fall to those directly in line of authority below the department head's position. Both of the procedures and authorities described in this paragraph may be overridden by the County Administrator or Assistant Administrative Officer, who may appoint department head successors of their choice for purposes of emergency response leadership.

Should a disaster occur and communication methods are not functioning and the disaster is of a magnitude that may significantly impact county functions, department heads should report to the San Luis Obispo County Emergency Operations Center. Or, to their department's

Department Operations Center for those that have them. If either option is not possible an alternative action may be to go to another local agency EOC or other emergency center and request assistance with contacting the County EOC.

2.2 Alternative County Seat

Section 23600 of the California Government Code provides that the Board of Supervisors shall designate alternative county seats which may be located outside county boundaries, (real property cannot be purchased for this purpose), a resolution designating the alternate county seats must be filed with the Secretary of State, and additional seats may be designated subsequent to the original site designations if circumstances warrant.

Currently, interim county seats for San Luis Obispo County, in alternate order, are:

- (1) Kern County;
- (2) Santa Barbara County;
- (3) Monterey County;
- (4) Kings County.

2.3 Vital Records and Protection of Information Technology

Certain vital records are defined as those records that are essential to the rights and interests of individuals, governments, corporations and other entities, including vital statistics, land and tax records, license registers, articles of incorporation, and historical information. Vital records also include those records essential for emergency response and recovery operations, such as emergency operations plans and procedures, and personnel rosters.

These vital records will be essential to the continuation or re-establishment of normal San Luis Obispo County government functions, serving to protect the rights and interests of government, and in turn the public. These rights and interests may include the constitutions, charters, statutes, ordinances, court records, official proceedings and financial records of San Luis Obispo County.

The County's Information Technology Department backs up approximately 40 servers for all county departments' nightly. In addition, County IT maintains backup data in an alternate location, or locations, away from the primary mainframe computer and servers. This includes location(s) outside of the Operational Area. There are also alternate storage methods, such as tape and digital. In addition, the county has a mutual aid agreement with a jurisdiction outside of the county for back mainframe access which would help ensure continued use of critical data.

While each department within the county should identify, maintain, and protect its vital records, certain essential records are currently stored in different methods and back up locations. For example, vital records which are the responsibility of the County Recorder's Office are stored with a private contractor, as well as, depending on the type of information, with the State of California.

Backup information that is the responsibility of the Assessor's Office is also stored with a private contractor away from the County Government Center, as are important records from the Tax Collector's Office.

Protection of vital records generally entails storing back up documents in separate locations from primary records and information.

2.4 Protection of Fiscal Operations

In order to continue to effectively serve the public and ensure prompt emergency response, recovery, and the continuation of needed day-to-day and otherwise ongoing operations of government, it is vital that fiscal operations are able to function after a disaster.

As part of this need for fiscal continuity of government, the County Auditor-Controller-Treasurer Tax Collector's Office and the Information Technology Department are in the draft phase of creating a Business Impact Analysis Report for Disaster Recovery. The objectives of this BIA include estimating operations impacts, recovery times, personnel needed and the financial impact involved. Multiple county departments participated in the scope in addition to Auditor-Controller-Treasurer-Tax Collector and ITD, including Public Works, Central Services, and Human Resources.

Recovery of EFS data will occur at one time as nightly back-ups of the entire system are performed. Once data is restored, recovery efforts will focus on those modules that are most critical to county business.

2.5 Countywide Information Security Program

In addition to system back-ups which help ensure lost data can be recovered, the county has in place an Information Security Incident Response Policy. This policy outlines the steps to be taken in the event of a real, perceived or potential Information Security Incident. The Information Technology Department will work cooperatively with all county departments, outside government agencies, and vendors performing information technology work with the county to ensure safe and secure information systems.