



# Issue Brief

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## Planning for Government Continuity

### Executive Summary

People need government most when disaster strikes, yet state emergency plans historically have failed to address continuity adequately. During natural and manmade disasters, government must continue its essential functions – indeed, must continue to exist. Its presence promotes public confidence in the government’s ability to save lives and minimize property losses.

To mitigate the consequences of potential catastrophes ranging from terrorist attacks to natural disasters, government must establish a planning team and identify agency-specific threats and vulnerabilities. By doing so, officials develop and adopt Continuity of Government (COG) plans. This ensures that government will continue to function or, in the worst case, be fully restored.

An effective, practical COG plan incorporates several key elements. Team members should first review state comprehensive emergency management plans and applicable statutory authorities. Then they should establish lines of succession, ensuring that authority is delegated to appropriate employees prior to an emergency. Executive office personnel and agency managers must identify, notify, and train the individuals next in line. Other important elements include provisions to safeguard vital records, establish alternate emergency operations centers, and practice the COG plan.

One caveat: Do not get lost in the details of COG planning. Remember the overall goals of COG: Prevent chaos, save lives, and preserve government.

### Justifying the Need for COG Plans

The increasing frequency of large-scale emergencies across the nation places state officials on notice that disasters of varying types and magnitude could strike at some point during their tenure. Natural catastrophes and manmade disasters such as terrorism are becoming all too frequent. While catastrophic disasters are few and far between, they do occur. As recently as spring 2003, a severe outbreak of tornados devastated some Midwestern states, resulting in several disaster declarations.

In 1992, Hurricane Andrew substantially disrupted or destroyed critical government infrastructures in south Florida. Though they had weathered past hurricanes without incident, Floridians in Miami-Dade County had never faced a storm of Andrew’s magnitude. Their misplaced confidence caused a false sense of security, which drastically hindered their emergency management planning. Importantly, this disaster devastated not only residents but also first responders who lived in the county and relied on the same services.

In 1989, an earthquake threatened continuity of government in San Francisco. In addition to affecting the Bay World Series between San Francisco and Oakland, the disaster caused several disruptions to critical municipal operations:

- twelve city departments were destroyed;

- personnel were unable to access office space, equipment, and essential data resources;
- municipal court proceedings were postponed pending building inspections; and
- human resource employees were unable to access vital records and files.

Other recent events and ongoing intelligence illustrate the vulnerability of government facilities to manmade disasters other than terrorism. On August 2003, a widespread power outage from the Northeast to the Midwest disabled critical infrastructure, including water treatment plants, transportation, and financial institutions.

States must make every effort to plan and prepare for the unthinkable. Governance itself is susceptible to interruptions or destruction of the magnitude witnessed on 9/11, when New York City fell victim to unprecedented citywide and regional telecommunications failures. Individual cascading events evolved despite the city's familiarity with potential power outages, computer failures, and telecommunications. Less than two years earlier, city officials had planned for such events during Y2K preparedness activities.

One unthinkable incident in New York was the collapse and total destruction of the city's Emergency Management Command Center at 7 World Trade Center. In addition, some municipal agencies experienced problems in storing and recovering vital records at off-site locations. These difficulties made access to these records dangerous and nearly impossible.

The tragic circumstances and consequences of these events provide the most persuasive argument for COG planning at all levels of government. Government officials should ask:

- How does my agency plan for the unthinkable at times when citizens require its services the most?
- What actions are necessary to ensure coordination among state, local, and federal agencies?
- What would happen if the governor or one or more high ranking agency officials lose their lives?
- What can be done to ensure redundancy and interoperability of communications?

Recent catastrophic and large-scale disasters dictate how government should plan. More than ever before, officials are accountable for recognizing, understanding, and preparing for emergencies that could threaten their jurisdictions, no matter what type or how severe.. State government can ill afford delayed responses, sustained periods of inaction, or reliance on lengthy bureaucratic procedures under emergency conditions. All levels of government need continuity planning to remain accountable to the people they serve.

### **How Continuity Planning Can Save State Government**

COG plans offer diverse benefits to each state. They are essential elements of state comprehensive emergency management plans developed to distinguish between normal and emergency government operations. The COG plan focuses on constitutional governance and ensures command and control of response and recovery operations. By adhering to COG plans developed before emergencies arise, government is better able to maintain its essential functions.

An effective COG plan reinforces organizational stability and maintains constitutional government. To accomplish this, the plan identifies essential agency functions, applicable threats and vulnerabilities, and the

means by which such problems are addressed. Most importantly, the COG plan ensures, to the maximum extent possible, continuity of leadership and direction to:

- provide public safety;
- reduce disruption to essential government functions; and
- minimize property loss and damage.

A COG plan outlines official lines of succession by delegating authority prior to the occurrence of emergencies; establishes procedures for safekeeping essential records; creates a secure emergency operations center (EOC) and alternate command sites; and provides measures for protecting government personnel and resources.

Several states have created COG guidance. North Dakota developed its “Process to Assist North Dakota State Entities in Developing a Continuum of Government (COG) Plan” to assist its agencies. Similarly, Florida has prepared a comprehensive guide, “2003 Continuity of Operations Participants Workbook.” These resources describe the process for identifying essential government functions, assessing risks and vulnerabilities, and developing COG plans to continue essential government functions.

## **First Steps in Creating a State COG Plan**

### **Assemble the COG Team**

First and most urgent: Assemble a COG team of agency executives responsible for addressing situations that can disrupt essential government operations. These decision makers evaluate essential functions, brainstorm possible options, set priorities, propose new procedures, and oversee the implementation and coordination of the state’s COG plan.

Teams should convene on a regular basis to assess the readiness of the state’s COG plan. In addition to identifying potential threats and vulnerabilities, readiness identifies essential government functions, defines detailed response actions, specifies which personnel will be notified and how, and ensures timely continuity of operations at alternate sites and restoration of services at permanent facilities.

California convenes a Business Continuity Working Group within the governor’s Office of Planning and Research. The group is comprised of the following representatives from *state and local* agencies:

- emergency services manager, Richmond Fire Office of Emergency Services;
- radiological coordinator, governor’s Office of Emergency Services (OES);
- manager, Office of Trade and Business Development, San Diego County;
- executive director, California Debt and Investment Advisory Commission;
- assistant chief director of EMS, Sacramento Metropolitan Protection District;
- senior emergency planning coordinator, Contra Costa County Office of Emergency Services;
- Crescent City mayor;
- battalion chief/OES manager, City of Palo Alto;
- California Department of Food and Agriculture;

- emergency services coordinator, County of Napa;
- fire marshal, Richmond Fire Department;
- senior emergency services coordinator and emergency services coordinator, governor's OES;
- director, Yuba County OES;
- cities of California City and Encinitas;
- Special Districts Worker Compensation Authority;
- county/state liaison, California Department of Food and Agriculture;
- assistant general manager, Southgate Recreation and Park District; and
- director, Community Vitalization Unit, and director, Local Government Partnership, governor's Office of Planning and Research.

States of all sizes and demographics have organized teams to initiate and oversee implementation of COG plans. In comparison with the broad range of disciplines in the California group, North Dakota formed a team consisting of members from:

- Office of the Governor (2);
- Emergency Management (3);
- Highway Patrol (2);
- Department of Health (2);
- Information Technology Department (3);
- Facility Management (2); and
- Risk Management (3).

Finally, the team and assigned staff must keep senior management apprised of and involved, to the extent necessary, in COG planning activities. The team should share the outcomes with these officials and ensure their participation in exercises.

### **Review the State's Comprehensive Emergency Management Plan**

Comprehensive emergency management plans assign lead or primary state agency tasks by emergency function such as law enforcement, transportation, and communications. These plans broadly describe an agency's duties and responsibilities during various emergencies. A state's emergency plan spells out in broad terms how government prepares for, responds to, recovers from, and mitigates the impact of disasters. Agency duties and responsibilities are described in greater detail by standard operating procedures.

All state officials should review their comprehensive emergency plans at their earliest opportunity to ensure that crisis management has been planned, implemented, and practiced. Any emergency management plan remains incomplete, if not unworkable, unless fully practiced and understood by the individuals with assigned responsibilities.

### **Study Relevant Emergency Statutory Authorities**

First, governors and agency heads should assess whether they have authority to exercise certain powers in emergency situations. Governors typically have statutory authority to declare a state of emergency, require the evacuation or quarantine of populations, direct and allocate resources from the state and other

jurisdictions, activate the state national guard, and request federal assistance when state assets have been exhausted.

Florida provides the governor's emergency powers in Chapter 252, Section 252.36, Florida Statutes. It explains how emergencies can affect the state, and sets forth provisions empowering the chief executive to enact a state of emergency by executive order or proclamation. The declaration sets several actions in motion, including the implementation of emergency management plans and deployment of any forces to which the plans apply.

Florida statutes authorize the governor to:

- delegate or assign command authority of the Florida National Guard for emergency duty. During a state of emergency, the governor is commander in chief of the Guard.
- suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of any state agency;
- transfer the direction, personnel, or functions of state departments and agencies or units;
- direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state;
- control ingress to and egress from an emergency area;
- suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles;
- take measures concerning the conduct of civilians, the movement and cessation of movement of pedestrian and vehicular traffic; and
- authorize the use of forces to assist the private citizens of the state in cleanup and recovery operations.

Governors, their chief advisors, and agency heads must understand when and under what specific circumstances their emergency powers take effect and terminate. If necessary, the governor must be prepared to seek the legislative enactment of enabling provisions. This determination is critical, since many of these authorities trigger key COG response and recovery activities.

## **Key Elements of an Effective COG Plan**

### **Lines of Succession**

The magnitude of 9/11 illustrates how a disaster can be so catastrophic that a governor or agency head may be physically unable to perform. An effective COG plan establishes lines of succession of sufficient depth to ensure that officials can continue essential government functions.

State statutes and/or state constitutions typically establish lines of succession that pass authority from the governor to elected officials in descending order, beginning with the lieutenant governor. Other states incorporate this authority in their emergency operations plans. For example, the Oklahoma Emergency Operations Plan (EOP) authorizes the following line of succession: governor; lieutenant governor; president pro-tempore, state Senate; speaker, state House of Representatives; secretary of State; state auditor and inspector; attorney general; state treasurer; and secretary of Transportation.

Wisconsin published “Operations Plan Guidance,” which provides assistance for drafting and implementing lines of succession provisions. This document describes which state officials are authorized by statute and/or constitution to establish, maintain, and implement lines of succession for key positions and provides guidelines on how to accomplish this.

Lines of succession should be sufficient to ensure that the office can perform essential functions and remain viable through any emergency. Geographical dispersion is encouraged, consistent with the principle of providing succession to office in emergencies of varying magnitudes. Officials should undertake the following measures in accordance with statutory and/or constitutional provisions:

- establish an order of succession to the position of highest authority;
- establish lines of succession to other key leadership positions;
- identify any limitation of authority based on delegations of authority to others; and
- describe lines of succession by positions or titles, rather than names of individuals.

Finally, the plan should prescribe the specific conditions under which succession will occur, as well as notification procedures. It should also identify any limitation on lines of succession.

### **Who is Your Replacement?**

A critical priority that received scant attention prior to 9/11 is the understanding that elected officials and agency heads may lose their lives during a disaster. In addition to establishing lines of succession for elected government officials, COG plans allow agency heads to delegate authority to employees prior to an emergency. This will ensure that all essential functions assigned to the state agency are adequately staffed during and after an event. It is critical that the executive office and agency heads determine who will fill their shoes.

Management is responsible for delegating authority in advance to ensure a smooth transition and continuity in the event of an emergency. State agency heads should address this issue by identifying and incorporating personnel into the COG plan who will assume their roles and responsibilities. Individuals in those positions will be authorized to make policy determinations and decisions at headquarters, field levels, and other critical locations.

The COG plan should address delegation of authority by:

- describing the programs and administrative authorities needed to conduct operations effectively at all levels of government during emergencies;
- identifying the circumstances under which these authorities would be exercised and terminated; and
- training officials who may be expected to assume authorities in an emergency.

Delegation directives must comply with applicable legal authorities and statutes. Above all, COG planning ensures that the leadership of all three branches of government can function even though officials may be casualties or otherwise unavailable. Once implemented in response to a disaster, the plan continues in effect until it is terminated in accordance with constitutional or statutory provisions.

## **Is There a Back-Up Site?**

Activities at state emergency operations centers may be disrupted or, as in the case of 7 World Trade Center, totally destroyed. The team should identify hardened, secure alternate emergency operations facilities that can accommodate all necessary personnel and communications equipment. Alternate facilities should be located where operations will not be disrupted. New York City officials ultimately transferred emergency operations from the collapsed operations center to Pier 92, an area large enough to house the several state, local, and federal agencies working the disaster.

Planners should conduct hazard and vulnerability assessments to determine an appropriate location away from potential threats. They should also establish time periods for when alternate facilities will become operational after activation (for example, 12 hours) as well as how long the facility will remain operational (for example, 30 days). Finally, these alternate sites must have immediate access to food, water, fuel, medical, and government services.

## **Safeguarding Vital Records**

Another key element of a COG plan is the protection and ready availability of vital records. These include electronic and hardcopy documents, references, records, and information systems needed to support essential functions. Specifically, the plan should address preservation of orders of succession and delegations of authority and records necessary for carrying out government's essential legal and financial functions and for protecting the legal and financial rights of individuals.

The Missouri State Emergency Operations Plan (SEOP) incorporates procedures to:

- identify, select, and protect procedures pertaining to records that include the automated technology data essential to governmental functions; and
- disseminate policies and procedures to all levels of municipal government to identify, select, preserve, and protect vital records.

Missouri also developed procedures and trained teams in the recovery and restoration of records. Vital records are physically protected through one or all of the following: duplicate copies, dispersal, and safe/secure storage facilities.

## **Practice Makes Perfect**

The COG plan and personnel periodically *must* be tested. Personnel should be trained both individually and collectively. Training and mock drills validate the COG plan and emergency management plans. They also ensure that agency personnel become thoroughly familiar with alert, notification, and deployment procedures in advance of an incident.

Drills should consist of real-time emergency simulations that promote preparedness, improve coordination, and enhance the response capability of individuals and organizations. They should be designed to determine the effectiveness of command, control, and communication functions and event-courses of action.

Most states routinely sponsor and participate in natural disaster and/or homeland security drills ranging in complexity from tabletop exercises to full-scale events. In fact, many jurisdictions conducted COG comprehensive exercises in preparation for Y2K.

The Y2K exercises generated many lessons that can be applied to COG issues in a post-9/11 environment. For example, the Council of Governments in the Metropolitan District of Columbia region conducted a multijurisdictional Y2K exercise in December 2000. This event actively involved public officials from Maryland, Virginia, and the District of Columbia, as well as private industry representatives from information technology, communications, and power companies.

### **Maintain Your COG Plan**

COG plans should be reviewed and updated on a regular basis. The assessment should determine whether changes are required and should address any incidents that have occurred since the last review. Modifications may be necessary to establish procedures for declaring a disaster and for notifying senior management response and recovery personnel and private industry representatives.

### **Conclusion**

The tragic events of 9/11 and other recent large-scale disasters teach one key lesson: every state government must develop, maintain, and practice a Continuity of Government plan. As the name implies, a COG plan preserves essential services and governance. State officials can readily accomplish continuity planning by following the basic steps outlined in this issue brief. Most importantly, planners can ensure the success of the COG document by not allowing it to gather dust on the manager's bookshelf. Remember, there are no excuses – your organization must be prepared to face the unthinkable.

## **COG Checklist**

An effective COG plan should:

- √ describe essential government functions and activities with a list of appropriate personnel;
- √ determine who is responsible for direction and control at the executive level;
- √ identify mission-critical data and systems that support essential functions;
- √ describe the decision process for implementing COG plans and procedures, including reliable, effective, and timely notification;
- √ identify the agencies and personnel (including lines of succession) responsible for providing water, electricity, natural gas, sewer, and sanitation services in affected areas;
- √ refer to Standard Operating Procedures (SOPs) for each state agency that provide specific authorities of designated successors to direct their agencies;
- √ establish the location of primary and alternate Emergency Operations Centers (EOCs), mobile EOCs, and command posts as well as the individuals responsible for ensuring communications capabilities;

- √ determine the location of and individuals responsible for ensuring communications capabilities of the primary, alternate, and mobile command posts;
- √ provide instructions for relocation to pre-designated facilities, with and without warning, during duty and nonduty hours;
- √ ensure operational capability within a specified amount of time (e.g., 30 days);
- √ establish procedures for the acquisition of resources necessary to sustain operations over the predetermined period of time;
- √ understand the potential role of the national guard in the event that military forces are required to provide services normally under the jurisdiction of civilian authorities;
- √ provide a process for ensuring interoperable communications;
- √ include measures for the protection of vital records;
- √ describe the location of and contact points for Emergency Management Assistance Compacts (EMACs), Memoranda of Understanding (MOU), and other cooperative agreements; and
- √ provide procedures for ensuring security, including employee security clearances and facility and communications security.