

COMMONWEALTH OF VIRGINIA

Emergency Operations Plan



SUPPORT ANNEX #1 CONTINUITY OF GOVERNMENT

VIRGINIA DEPARTMENT
OF
EMERGENCY MANAGEMENT

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Lead Agency

- Virginia Department of Emergency Management (VDEM)

Support Agencies and Organizations

- Virginia Department of Transportation (VDOT)
- Virginia Department of State Police (VSP)
- Division of Capitol Police (DCP)
- Virginia Information and Technologies Agency (VITA)
- Library of Virginia (LVA)
- Virginia Attorney General
- Virginia Lieutenant Governor
- Continuity of Government Coordination Group Representatives (See p. 2)
- Executive Branch Agencies

Purpose

This Continuity of Government Support Annex describes the coordinating framework used to ensure the survivability of state-level constitutional government and essential governmental functions, including essential emergency management program functions, and the preservation of essential records, systems, and equipment during an emergency or disruption.

Scope & Applicability

This annex provides guidance on continuity of government preparedness, activation and restoration responsibilities for executive branch agencies of state government and is directly supported by agency continuity of operations plans.

Agency continuity of operation plans are all-hazards plans that address an agency's ability to continue its Mission Essential Functions (MEFs) in support of Commonwealth Essential Functions (CEFs) during a disruption. Commonwealth Essential Functions (CEFs) are outlined in Attachment 1 of this plan. Plans include procedures for the restoration of mission essential functions, including those that are critical to emergency response and recovery operations. They also include the identification of essential records, systems, and equipment, orders of succession, and delegations of authority.

Planning Assumptions

- An incident can occur at any time, with or without warning, and may disrupt the ability of state government to provide critical services to Commonwealth citizens.
- Each agency with responsibilities within this Continuity of Government Annex has an executable all hazards Continuity of Operations Plan.
- An emergency may result in the incapacitation of government leadership thereby requiring the need for succession.
- Acts of terrorism, natural, and human-caused disasters may threaten the functional capability of constitutional government through the potential destruction of or harm to government personnel, facilities, or essential records, systems, and equipment.
- In order to ensure continuity of government and the uninterrupted provision of essential governmental functions, contingency plans must be developed that will provide for the continued protection and safety of the population and bring about the prompt and orderly restoration and recovery of public and private property and services.

- An emergency may necessitate the relocation or sheltering in place of key government officials and their staffs.

Policies

- All agencies assigned responsibilities within this annex will develop and maintain the necessary plans, standard operating procedures, mutual aid agreements, and model contracts to successfully accomplish their tasks.
- Alternate facilities for continuity of government plan activation have been identified.
- Executive Order #41 (2011) reaffirmed the requirement that executive branch agencies annually create or update continuity of operation plans to include relevant information and to conform to the most recent template produced by VDEM.
- Executive branch agencies are required to conduct an annual test or exercise of their continuity of operations plan that includes alert, notification, and activation procedures for key personnel.
- Each executive branch agency will include emergency preparedness planning and training as a core component of their mission and strategic planning performance management process.

Organizational Structure

In time of natural or human-caused disasters, the Governor, who serves as the State Director of Emergency Management, assumes additional powers as described in Section 44-146.17 of the Virginia Emergency Services and Disaster Law of 2000, as amended. The Governor is assisted by the State Coordinator of Emergency Management.

Coordination of continuity of government activities will be accomplished by the Continuity

of Government Coordination Group. This group is comprised of representatives from the Virginia Department of General Services, the Department of Human Resource Management, the Supreme Court of Virginia, Senate of Virginia, and the Virginia House of Delegates.

Concept of Operations

1. General

Notification: VDEM maintains a 24 hour a day state warning point and, in coordination with the Virginia Fusion Center and VSP, will advise the Governor of real events or threats. The state warning point will also serve as the means to notify all branches of Commonwealth government of events or threats that may affect their ability to perform mission essential functions.

Activation: As part of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), this annex is activated by a Declaration of Emergency from the Governor. This annex functions in concert with the COVEOP Basic Plan and all supporting ESFs and annexes. Activation or non-activation of this annex does not limit the ability of any agency to activate their continuity of operations plan at any time deemed appropriate.

Alternate facility locations: Alternate facilities for continuity of government events focus on facilities that enable the immediate resumption of essential government functions. Alternate facility locations to support agency Mission Essential Functions (MEFs) are addressed in each agency's continuity of operations plan. Although agencies are responsible for identifying continuity of operations alternate facilities, the Office of the Governor and the Continuity of Government Coordination Group may designate different alternate facilities at the time of the event due to the specific nature of the event or its impact.

Transportation: Emergency transportation requirements will be coordinated by ESF #1.

Safety and Security: Safety and security issues will be coordinated by ESF #13, led by the Virginia State Police (VSP), within which resides the Executive Protection Unit. This unit, along with the Division of Capitol Police (DCP) provides protection for the Governor and his/her family.

Communications: Emergency communication requirements will be coordinated by ESF #2.

Public Information: Public information is coordinated by ESF #15 from the Joint Information Center (JIC). All branches of government effected by the incident will be represented in the JIC. ESF #15 will ensure that sufficient assets are deployed during a potential or actual incident to provide accurate, coordinated, and timely information to affected audiences. This includes state agencies, federal partners, local governments, private sector partners, elected officials, the media, and the local populace.

Essential Records, Systems, and Equipment: All agencies are required to address the protection of essential records, systems, and equipment in their agency continuity of operations plans. Agencies, working through their IT service provider, are responsible for the restoration of electronic records. In a large scale event affecting multiple agencies and/or systems, the restoration of essential electronic records or systems may be coordinated by ESF #2. Agencies are responsible for coordinating the restoration of essential equipment necessary for the performance of MEFs. The Library of Virginia (LVA) personnel shall be responsible for coordinating emergency recovery operations when public records are affected.

2. Leadership Succession

Succession of constitutional authority, described below, is an essential element to the continuity of government.

A. Executive Branch

- The Governor is the chief executive officer of the Commonwealth of

Virginia. The executive administrative powers of the Governor's office are detailed in Article V, Section 7, of the Constitution of Virginia. The Governor's legislative responsibilities are described under Article V, Section 5.

- The Lieutenant Governor serves as the President of the senate when the General Assembly is in session.
- The Attorney General of the Commonwealth is the Chief Executive Officer of the Department of Law. The chief Deputy Attorney General serves as the acting Attorney General if a vacancy occurs solely within the office of the Attorney General. (Code of Virginia, Section § 2.2-501) until such time as the position is filled according to the procedures set forth in Code of Virginia, Section § 24.2-213
- In the case of the removal of the Governor from office or in the case of his/her disqualification, death, or resignation, the Lieutenant Governor shall become Governor.
- If the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Delegates his/her written declaration that he/she is unable to discharge the powers and duties of his/her office, such powers and duties shall be discharged by the Lieutenant Governor as Acting Governor.
- If a vacancy exists in the office of Lieutenant Governor when the Lieutenant Governor is to succeed to the office of Governor or to serve as Acting Governor, the Attorney General, if he/she is eligible to serve as Governor, shall succeed to the office of Governor for the unexpired term or serve as Acting Governor.
- If the Attorney General is ineligible to serve as Governor, the Speaker of the House of Delegates, if he/she is eligible to serve as Governor, shall succeed to the

office of Governor for the unexpired term or serve as Acting Governor.

- If a vacancy exists in the office of the Speaker of the House of Delegates or if the Speaker of the House of Delegates is ineligible to serve as Governor, the House of Delegates shall convene and fill the vacancy.
- In the event of an emergency or enemy attack upon the soil of Virginia and a resulting inability of the House of Delegates to convene to fill the vacancy, the Speaker of the House, the person designated to act in his/her stead as prescribed in the Rules of the House of Delegates, the President pro tempore of the Senate, or the majority leader of the Senate, in that designated order, shall serve as Acting Governor until such time as the House of Delegates convenes to elect a Governor.
- The Governor has secretaries and other cabinet level officers to assist him/her in managing the executive branch. Cabinet level officers, as well as all state agency and department officials, will designate by title, specifying order of succession, no less than three emergency successors in the event their position becomes vacant or they cannot carry out the duties of their office. These successors will have full authority to discharge the duties and exercise all powers associated with the position assumed until such time as the position is filled in accordance with state laws and policies.

B. Legislative Branch

- The legislative branch of state government, which is comprised of the General Assembly and its supporting commissions and divisions, should be preserved and maintained in order to support the system of checks and balances among the other branches of government.

- If the General Assembly cannot meet safely in Richmond, or the place to which it has adjourned because of a public enemy or for any other cause, the Governor may designate another location, of which, he shall give notice by proclamation (Code of Virginia, Section § 30-2).
- A special session of the General Assembly can also be convened upon application of two thirds of its members elected to each house. If the Governor declares by proclamation that a quorum cannot be convened because of enemy attack, a smaller number may meet and may, notwithstanding any other provisions of the Constitution, enact legislation.
- The House of Delegates shall choose its own speaker.
- The Lieutenant Governor shall preside over the Senate in accordance with the provisions of the Constitution. In the absence of the Lieutenant Governor, the President pro tempore shall preside over the Senate. If the President pro tempore is unable to preside then, according to the Rules of the Senate, he may designate another Senator to preside.
- Laws may be put into immediate effect in the case of an emergency.

C. Judicial Branch

- The judicial branch of government is comprised of four courts: the Supreme Court, Court of Appeals, Circuit Courts, and District Courts. The Supreme Court, which is the highest court in the judicial system, determines the constitutionality of laws, as well as whether the laws are being applied and interpreted properly. The Supreme Court has seven justices; a quorum is formed by the convening of any four of these justices.

- The justices are selected by a majority vote of both houses of the General Assembly. If a vacancy occurs while the General Assembly is not in session, the Governor has the authority to appoint a successor who will serve until 30 days after the commencement of the next General Assembly session.
- The Supreme Court conducts their sessions in Richmond. The Governor can designate an alternate location whenever circumstances would prohibit the session to be held at the appointed place.
- The justice longest in continuous service is the Chief Justice. If two or more justices have served for the same period, the senior in years shall be Chief Justice. Succession to the Chief Justice would be the justice with the next longest continuous service.
- The Court of Appeals, Circuit Courts, and District Courts will also be maintained. All vacancies will be filled immediately according to established procedures.

Roles & Responsibilities

Virginia Department of Emergency Management

- Coordinate the response to and recovery from a Continuity of Government event.
- Coordinate all incident management activities through the Virginia Emergency Response Team (VERT).
- Coordinate with external agencies to include federal, local and other states.
- Receive and disseminate reports through the warning point of disruptive events at state owned or leased facilities which impair the ability of agencies located within the affected facilities to continue operations.

- Coordinate and oversee the Continuity Program for executive branch agencies.

Continuity of Government Coordination Group

- Support the VERT by coordinating the execution of the Continuity of Government Annex.
- Monitor and report on the capability and/or status of state agency continuity of operations plan execution immediately prior to, during, and after a disruptive event, emergency, or disaster.
- Manage and coordinate inter-agency dependencies during large scale continuity activation and reconstitution operations to include prioritization and allocation of continuity related resources to state agencies (in coordination with ESF #7), and prioritization of state government IT service restoration (in coordination with ESF #2).

Executive Branch Agencies

- Notify the VEOC of an event impacting their facilities, systems, equipment, or personnel which may result in a diminished capacity to perform mission essential functions or require relocation to an alternate facility.
- Provide initial and updated damage assessments and situation reports as required by the Continuity of Government Coordination Group.

Division of Capitol Police

- Provide police and/or security services in the Capitol District and other areas within their jurisdiction if requested.
- Provide a security detail for the Senate and House of Delegates representatives if requested.

Virginia Information Technologies Agency

- Provide guidance and/or assistance to executive branch agencies regarding the protection or restoration of essential electronic records, systems, and equipment.

Library of Virginia

- Coordinate emergency recovery operations when public records are affected.

Authorities & References

Authorities

- Article IV Legislature, Section 8, of the Constitution of Virginia.
- Article V Executive, Section 16, of the Constitution of Virginia.
- Article VI Judiciary, Sections 1-5 or the Constitution of Virginia.
- Virginia Emergency Services and Disaster Laws.
- Executive Order 41 (2011) Continuing Preparedness Initiatives in State Government.
- Code of Virginia, Section § 2.2-501
- Code of Virginia, Section § 24.2-213
- Code of Virginia, Section § 30-2

References

- Emergency Management Accreditation Program (EMAP) 4.6.1: The Emergency Management Program, through formal planning processes involving stakeholders, has developed the following plans: communications (see 4.10.1), emergency operations, recovery, continuity of operations, and continuity of government. The process addresses all

hazards identified in Chapter 4.3, and provides for regular review and update of plans.

- Emergency Management Accreditation Program (EMAP) 4.6.5: Continuity of operations plans (COOP) shall identify and describe how essential functions will be continued and recovered in an emergency or disaster. The plan(s) shall identify essential positions and lines of succession, and provide for the protection or safeguarding of critical applications, communications resources, vital records/databases, process and functions that must be maintained during response activities and identify and prioritize applications, records, processes and functions to be recovered if lost. Plan(s) shall be developed for each organization performing essential functions. The plans address alternate operating capability and facilities.
- Emergency Management Accreditation Program (EMAP) 4.6.6: The continuity of government (COG) plan shall identify how the jurisdiction's constitutional responsibilities will be preserved, maintained, or reconstituted. The plan shall include identification of succession of leadership, delegation of emergency authority, and command and control.

Attachment 1 – Commonwealth Essential Functions

The Commonwealth Essential Functions (CEFs) established herein outlines the overarching responsibilities of state government during a disaster or disruption of services. These CEFs will enable Commonwealth Leadership, through cooperative efforts with local governments and the private sector, to provide essential services to Commonwealth citizens during and immediately after a natural or human-caused disaster. All of these stakeholders have important and interdependent roles in preparing for, responding to, and recovering from disasters. The CEFs also support the National Essential Functions (NEFs) established in National Security Presidential Directive – 51/Homeland Security Presidential Directive – 20 (NSPD-51/HSPD-20) issued in 2007.

The CEFs outlined below provide the framework for Continuity of Government functions. Agencies should use this framework in the identification of supporting mission essential functions (MEFs) and the subsequent development of their Continuity of Operations Plans.

1. Maintain Continuity of Government

Focus: Ensure the continued functioning of state government and critical government leadership elements, including: succession to key offices; organizational communications (with a priority on emergency communications); leadership and management operations; situational awareness; personnel accountability; and functional and judicial organizations (as necessary).

2. Provide Visible Leadership

Focus: Provide leadership visible to the Commonwealth of Virginia and the Nation and maintain the trust and confidence of Commonwealth citizens and partners.

3. Defend the Constitution of Virginia

Focus: Defend the Constitution of the Commonwealth of Virginia.

4. Maintain Effective Relationships with Neighbors and Partners

Focus: Maintain relationships and cooperative agreements with federal, state, local, and tribal governments, and private sector and non-profit partners.

5. Maintain Law and Order

Focus: Maintain civil order and public safety (protect people and property and the rule of law), by ensuring basic civil rights, preventing crime, and protecting critical infrastructure.

6. Ensure Availability of Emergency Services

Focus: Provide and/or assist local governments in providing critical emergency services, including emergency management, police, fire, ambulance, medical, search and rescue, hazmat, shelters, emergency food services, recovery operations, etc.

7. Maintain Economic Stability

Focus: Manage the overall economy of the Commonwealth by managing the Commonwealth's finances and ensuring solvency.

8. Ensure the Availability of Basic Essential Services.

Focus: Provide and/or assist in the provision of basic services, including water, power, health care, communications, transportation services, sanitation services, environmental protection, commerce, etc. These are services that must continue or be restored quickly to provide for basic needs.