



## BPC Policy No. 777

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**SUBJECT:** EMERGENCY MANAGEMENT

**PURPOSE:** To provide for the preparation and carrying out of plans for the protection of persons and property within the San Diego Unified Port District (District) in the event of an Emergency.

This policy sets forth the District's emergency organization, and the coordination of the emergency functions of the District with all other public agencies, corporations, organizations and affected private persons.

**DEFINITIONS:**

**“Emergency”** means the actual or threatened existence of conditions of disaster or peril to the health and safety of persons and/or property within the District including, but not limited to, those caused by such conditions or hazards as fire, flood, storm, tsunami, earthquake, epidemic, pandemic, hurricane, tornado, civil disturbance, significant technology or infrastructure disruption, act of terrorism, hazardous material spill, effect(s) of climate change or other conditions, including conditions resulting from war or imminent threat of war, or labor controversy.

**“Local Emergency”** means the duly proclaimed existence of such conditions that are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the District, and which may require the supplemental efforts and available resources of other local government entities, the state and/or federal government, and/or disaster relief organizations to help alleviate the damage, loss, hardship, or suffering caused thereby.

**“State of war emergency”** means the condition which exists immediately, whenever the State of California or the nation is attacked by an enemy of the United States, or upon receipt of a warning from the federal government indicating that such an enemy attack is probable or imminent.

**“State of emergency”** means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the State of California, or the Governor's warning of such conditions, other than conditions resulting from a labor controversy or conditions causing a “state of war emergency,” which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

**“Dire Emergency”** means a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses immediate and significant peril.

Unless otherwise stated the above definitions are collectively referred to as “Emergency” in this policy.

**“Unavailable”** means killed, missing or so seriously injured as to be unable to attend meetings and otherwise perform their duties. Any question as to whether a particular member is unavailable shall be settled by the Board, or any remaining available members of the Board, including standby officers who are serving on the Board.

**“Procurement”** includes goods, service agreements, public works contracts, and any other solicitation(s) necessary to support the District in an Emergency.

### **1. Adoption of the Standardized Emergency Management System and the National Incident Management System**

The District will participate in the County of San Diego Operational Area disaster response and recovery organization. As part of that participation, the District shall use the California Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS), as may be amended. The framework of these systems includes use of the incident command system (ICS), multi-agency or interagency coordination, participation in the master mutual aid agreement and systems of the State of California, and the Operational Area concept.

### **2. Emergency Management Organization (EMO)**

The EMO shall constitute the operational forces deemed necessary to meet the conditions of an emergency. All officers and employees of the District, together with those credentialed, or otherwise qualified, volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of this title, be charged with duties incident to the protection of life and property in the District during such emergency, shall constitute the EMO.

### **3. Authorities**

During an Emergency, the District Chief Executive Officer (CEO) shall have the authority to implement the provisions of this policy and direct the Emergency Manager (EM) to respond to the emergency. If the CEO is Unavailable, the following District personnel are

empowered to assume the CEO's authority over the Emergency. The District CEO shall automatically be succeeded by the following officials in the order named until the CEO is no longer unavailable:

- (1) Chief Administrative Officer/Vice President
- (2) Vice President, Real Estate, Engineering & Facilities
- (3) Chief of Harbor Police/Vice President
- (4) Vice President, Maritime
- (5) Chief Financial Officer/Treasurer/Vice President

#### **4. Emergency Manager**

The District's Homeland Security Program Manager, or the equivalent District position title, serves as the District's Emergency Manager (EM), and is responsible for leading and managing the District's emergency management program at the direction of the CEO.

The EM shall, prior to the existence of an Emergency do the following:

- A. Coordinate all District activities as it relates to emergency preparedness, mitigation, prevention, response and recovery.
- B. Develop, coordinate and maintain necessary Emergency plans for the District to include the District's Emergency Operations Plan (EOP) and Continuity of Operations Plan (COOP); and other plans as may be needed to support Emergency operations and recovery.
- C. Interact and coordinate with appropriate public and private entities regarding emergency planning;
- D. Develop, coordinate and/or support Emergency training programs and exercises as may be required or necessary at the discretion of the EM.
- E. Coordinate planning and training with County, State, Local Agencies, District Member Cities, Federal, military, business and industry, disaster relief organizations and other organizations and entities.
- F. Ensure that people with disabilities and others with access and functional needs are integrated into the District's Emergency plans and standard operating procedures.
- G. Work with and advise the Real Estate Department and the Office of the General Counsel, and others as required, to ensure necessary and appropriate language is included in leases and other agreements or understandings to ensure the District's ability to respond to and effectively recover from any Emergency.
- H. Assist in the development and coordination of an emergency public information program in conjunction with the District Public Information Officer (PIO), other District departments, and others as necessary;
- I. In coordination with the CEO make recommendations to the Board, as necessary.
- J. Advise and recommend to the CEO matters of policy for consideration by the Board

insofar as they relate to Emergencies.

- K. At the direction of the CEO, manage the District's EMO during an Emergency to effectively guide the response and advise the CEO pursuant to the EOP.
- L. Serve as the Director of the Emergency Operations Center (EOC) when activated.

#### **5. Activation of the Emergency Management Organization and the District Emergency Operations Plan**

Upon receipt of warning of impending or threatened Emergency, or in the event of an actual Emergency, or upon the proclamation of a Local Emergency, the EMO shall be immediately activated on a scalable level and all or such portions of its organization or personnel shall be called into service as the CEO or the EM or their designee(s), or in the event of their Unavailability, their successors may direct. EMO activities will be consistent with the SEMS and NIMS. Roles and responsibilities of the EMO shall be defined in the EOP.

The EM shall be responsible for the development and maintenance of the EOP, supported by an EOP development team comprised of representatives from District departments. The EOP shall provide for the effective mobilization of all of the resources of the District, both public and private, to meet any condition constituting an Emergency, and shall provide for the organization, powers and duties, services and staff of the EMO. The EOP shall comply with all of the requirements and components of the SEMS for the State of California and the Federal NIMS. The EOP shall take effect upon adoption of the plan by resolution of the Board of Port Commissioners (Board). The Board shall review the District's Basic Plan, at a minimum, every three (3) years. The approved Basic Plan will be publicly available.

Supplemental Annexes to the EOP which may provide additional operational or scenario-specific information will be developed, reviewed and revised as necessary by the EOP development team at a minimum of once per year. For operational security purposes all Annexes are sensitive information to be disseminated on an as- required basis and will be classified as appropriate depending upon the level of sensitivity of the individual Annex.

The California Disaster Assistance Act (CDAA) requires that the District designate Authorized Agents to act as primary liaisons between the District and disaster relief and emergency assistance officials in the event of a declared disaster or emergency. Authorized Agents are responsible for requesting disaster relief or emergency assistance, providing all necessary information and documentation, responding to requests for additional information and documentation, and otherwise facilitating communication and coordination on various matters, including damages assessment, procurement and contracting, fund management, and training and preparedness activities.

Identification of Authorized Agents is a requirement for District receipt of disaster relief and emergency assistance funding. Authorized Agents should be persons knowledgeable about a declared disaster or emergency and related costs incurred emergency and able to provide timely responses to inquiries regarding public assistance requests. Consistent with California Governor's Office of Emergency Services requirements, Authorized Agents are to be designated by position title by resolution of the Board, and such designation is to be renewed by Board resolution every three years at a minimum.

## **6. Emergency Proclamations**

The CEO, or their designated successor, may request that the Board proclaim the existence of a "Local Emergency" if the Board is in session, or to issue such proclamation if the Board is not in session. In the event the CEO or their designated successor is Unavailable, the EM may issue such proclamation. If the CEO or the EM orders any action, the Board shall initially review the emergency action not later than seven (7) days after the action. The Board shall review the need for continuation of the local Emergency at least every sixty (60) days until the Board terminates the Local Emergency, unless a longer period has been set by state law or the action of the Governor of California which is applicable to emergency proclamations by counties and cities in which event the longer time period shall apply to the District under this Policy. The Board shall proclaim the termination of such Local Emergency at the earliest possible date. Upon the declaration of termination of the Local Emergency by the Board such rules, regulations, orders and directives shall terminate and be of no further force or effect unless otherwise directed by the Board.

If the District proclaims a Local Emergency as defined by this Policy, to further the objectives of SEMS, the CEO, their designee, or the EM shall formally notify the San Diego County Operational Area (San Diego County Office of Emergency Services – County OES) of the Local Emergency and request County OES assess availability of regional resources to be brought to bear to address the emergency and/or proclaim a Local Emergency to the State on behalf of the District.

Additionally, given the State's requirement that proclamations of Local Emergencies be made to the State within ten (10) days of the incident, the District shall make the formal Local Emergency notification to County OES in fewer than ten (10) days from the time of the incident.

To further the objectives of SEMS, the CEO, their designee, or the EM shall notify the San Diego County Operational Area (San Diego County Office of Emergency Services) of the Proclamation declaring, continuing and terminating the Emergency.

## **7. Emergency Meetings**

Pursuant to California Government Code Section 54956.5, in the case of an Emergency the Board may hold a meeting without providing 24-hour notice or 24-hour posting or without providing either the notice or posting requirements. However, each local newspaper of general circulation and radio or television station that has requested notice of special meeting shall be notified by the presiding officer of the Board, or designee, one hour prior to the meeting, or in the case of a Dire Emergency, at or near the time that the presiding officer or designee notifies the members of the Board. The notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice shall be deemed waived, and the Board or designee shall notify those newspapers, radio stations, or television stations of the fact of the holding of the meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

Pursuant to California Government Code Section 54957, the Board may meet in closed session with the Governor, Attorney General, district attorney, the District's counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager such as the District's DEM, on matters posing a threat to security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.

As a State entity, the CEO or their designee, may request the Governor to proclaim a "State of Emergency" when, in the opinion of the CEO, or their designated successor, the locally and regionally available resources are inadequate to cope with the emergency and the San Diego County Operational Area or Regional Emergency Operations Center are unable to make the request. Such proclamations shall be made and submitted to the State of California not more than ten (10) days following the occurrence of the Emergency in order to be eligible for reimbursement. In accordance with SEMS, ideally this submittal will be submitted through the San Diego County Operational Area for onward submittal to the Region and the State of California.

If state law or the action of the Governor of California, related to emergency meetings, waives or modified any requirements related to meetings, the Board may follow such waived or modified requirements or procedures.

## **8. Emergency Powers and Duties**

The CEO, or the CEO's designee [such as the EM], or in the event of their unavailability, their successors are empowered to:

- A. Request the Board to proclaim the existence of a Local Emergency.
- B. Control and direct the effort of the EMO.
- C. Direct and coordinate the services and staff of the EMO, and resolve questions of authority and responsibility.
- D. Represent the District in all interactions with public or private agencies at the local, state and federal levels on matters pertaining to the Emergency.
- E. Make and issue rules and regulations on matters related to the protection of life and property during the Emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the Board.
- F. Procure or otherwise obtain the use of vital supplies, equipment, and properties as required for the protection of life and property, and, if required immediately, to commandeer the same for public use as allowed by law.
- G. Require emergency services of any District officer or employee and to command the aid of as many citizens of this community as allowed by law; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers.
- H. Requisition necessary personnel or material of any District department or agency.
- I. Execute the ordinary power as CEO, all of the special powers conferred upon the CEO by this Policy, or by resolution or emergency plan, all powers conferred upon the CEO by any statute, by any agreement approved by the Board, and by any other lawful authority.
- J. Coordinate with State of California and Federal authorities on the response to and recovery from an Emergency in the event of a major disaster declaration at the State and/or Federal level, or at any other such time as may be required to ensure the interests of the District are represented.

## **9. Emergency Expenditures**

In order to qualify for maximum federal reimbursement, emergency Procurements and subsequent recovery Procurements should conform to the Federal Acquisition Regulations (FAR). During emergency periods, efforts should be made and documented that bids and/or proposals are solicited from several sources to ensure low cost or best value. Emergency contracts should be rebid once the exigent period is over and long-term needs are identified. All Procurement actions should conform with Chapter 2 of the Code of Federal Regulations (2 CFR), including affording full and open competition, inclusion of small and disadvantaged firms to the extent possible, price and cost analysis, and documenting the procurement and vendor selection process.

In order to qualify for maximum state reimbursement, emergency Procurements and subsequent recovery Procurements should conform to the California Public Contract Code.

To the extent possible, Emergency response and recovery agreements and contracts should be competitively bid and pre-qualified pursuant to State law prior to any Emergency. These competitively bid and pre-qualified contracts ensure fair and open competition in a manner that meets state and federal Procurement requirements, while allowing the District to have resources immediately available as needed.

Notwithstanding BPC Policy 117, 3(b) which requires any use of the \$20 million-dollar minimum required operating reserve balance be approved by the BPC, the CEO, during an Emergency, has the authority to access the reserve to execute agreements and purchases not to exceed an aggregate of \$500,000 to protect life and property. In addition, the Chief Financial Officer (CFO) and the Chief Administrative Officer/Vice President shall have the authority to access the reserve in order to execute agreements and purchases not to exceed an aggregate of \$250,000 each to protect life and property. This authority shall be limited to those actions immediately necessary to address the Emergency.

The Director of Finance shall maintain a detailed accounting of all expenditures related to the Emergency. Further, the Director of Finance shall submit a detailed report to the District CEO. The CEO shall provide the report to the Board thereafter at each regularly scheduled meeting until such Emergency is terminated.

In order to more fully outline the District's disaster-related cost controls, as well as financial cost recovery policies and procedures, the District will develop and maintain a *Finance Disaster Recovery Manual*. Such Manual shall be considered an Annex to the EOP.

## **10. Emergency Operations Center**

The EOC for the District shall be the centralized point for coordination of the response and recovery for the District's EMO. The EOC may be activated at the request of any District department and upon concurrence by the CEO, EM, or their designees, or in the event of their Unavailability, their successors. The EOC shall be maintained in a constant state of readiness which is consistent with state, national and professional standards. The District will maintain an Alternate Emergency Operations Center(s) (AEOC) which is consistent with state, national and professional standards. The primary or alternate site may be virtual as necessary or requested. The EM is responsible for the maintenance and management of both the EOC and AEOC.

The EOC and the EMO shall be under the direction and control of the EM at the direction of the CEO. Upon activation of the EOC, the EM shall serve as the primary EOC Director, and shall direct and coordinate the EOC and EMO in accordance with established District plans and policies. EOC activities will be consistent with SEMS, NIMS and established best practices; and shall be activated and staffed in accordance with the current approved EOP.



## **11. Employees as Disaster Service Workers**

Pursuant to California Government Code Section 3100-3109, all District employees are considered disaster service workers (DSWs) and subject to assignment of public employee disaster service worker status and associated duties. Disaster service duties include assisting any unit of the emergency organization or performing any act contributing to the protection of life or property or mitigating the effects of an emergency or potential emergency.

In addition to employees, certain classes of volunteers are considered DSWs for the purpose of engaging in disaster service pursuant to the California Emergency Services Act without pay or other consideration.

## **12. Policy Group Membership**

The District Policy Group is hereby created and shall consist of the following positions or their designees: District CEO, General Counsel, Chief Administrative Officer/Vice President, Chief of Harbor Police/Vice President, Chief Financial Officer/Treasurer/Vice President, all other Vice Presidents, Port Auditor, and District Clerk.

## **13. Policy Group Powers and Duties**

The District Policy Group shall assist the CEO and/or EM with the overall strategic emergency management objectives and policy decisions during an Emergency. The District Policy Group serves during the response and recovery phases of a disaster. The Policy Group shall be activated upon activation of the EMO, by proclamation of a Local Emergency, or by direction of the CEO and/or by request of the EM.

## **14. Continuity of Government and Continuity of Operations**

The continuity of the District during an Emergency requires the succession for key District officials and department heads, alternate government facilities, protection of vital records, and adequate plans to provide for the continuance of essential governmental services during and recovering from an Emergency.

The EM shall be supported by a COOP Team comprised of representatives from District departments. COOP Plans will be maintained for the overall District and individually for each District department.

## **15. Board of Port Commissioners Standby Officers**

Pursuant to California Government Code Sections 8638 – 8641, in order to provide for the

continuance of the Board during an Emergency, the Board may appoint three (3) standby officers for each member of the Board. In case a standby office becomes vacant because of removal, death, resignation or other cause, the Board may appoint another person to fulfill the position.

- A. Each person so appointed as a standby officer shall take the oath of office required of the person occupying the office for which they standby.
- B. Each standby officer shall deliver to the District Clerk within ten (10) days after their appointment a written declaration under oath that they accept the appointment and will faithfully perform the obligations imposed upon them thereby.
- C. Standby officers shall be designated numbers 1, 2 and 3, as the case may be.
- D. The qualifications of each standby officer should be carefully investigated, and the Board may request the Chief of Police to aid in the investigation of any prospective appointee. No examination or investigation shall be made without the consent of the prospective appointee.
- E. Persons appointed as standby officers shall serve in their posts as standby officers at the pleasure of the Board and may be removed and replaced at any time with or without cause.
- F. Each standby officer shall have the following duties:
  - 1. To inform themselves of the duties of the office for which they standby. Officers and employees of the District will assist and provide each standby officer with a copy of this Policy as well as a copy of California Government Code Article 15 – Preservation of Local Government.
  - 2. To keep informed of the business and affairs of the District to the extent necessary to enable themselves to fill their post competently. For this purpose, the District may arrange information meetings and require attendance.
  - 3. To immediately report themselves ready for duty in the event of an Emergency at the place and in the method previously designated in the EOP.
  - 4. To fill the post for which they have been appointed when the regular Board member is unavailable in accordance with this Policy.
  - 5. Standby officers numbers 2 and 3 shall substitute in succession for standby officer number 1 in the same way that the standby officer is substituted in place of the regular Board member. The Standby officers servicing as a Board member, shall serve until the regular Board member becomes

available or until the appointment of a new Board member by the member city.

### **16. Board of Port Commissioners Temporary officers**

Pursuant to California Government Code Section 8644, if all members of the Board, including all standby officers, are Unavailable, temporary officers shall be appointed to serve until a regular member or a standby member becomes available or until the appointment of a new Board member by the member city. Temporary officers shall be appointed as follows:

- A. By the Chairperson of the Board of Supervisors of the County of San Diego, or, if they are unavailable;
- B. By the Chairperson of the Board of Supervisors of any other county within 150 miles of the District, beginning with the nearest and most populated county and going to the farthest and least populated, or if they are unavailable;
- C. By the Mayor of any City within 150 miles of the District, beginning with the nearest and most populated City and going to the farthest and least populated.

### **17. Lines of Succession – Department Directors and Key Positions**

All department heads and other key District positions shall provide for at least a three (3)-deep order of succession of appropriate subordinate employees to succeed to their position if that Department Director or Key Position is unavailable or unable to serve. These lines of succession will be identified in each department's COOP Plan. For the purpose of this policy, key positions include:

- a) Executive Director/CEO
- b) Vice Presidents
- c) Assistant Vice Presidents
- d) Chief Financial Officer/Treasurer
- e) District Clerk
- f) General Counsel
- g) Port Auditor
- h) Chief Procurement Officer
- i) Chief Technology Officer
- j) Chief Engineer
- k) Emergency Manager
- l) Facility Security Officer
- m) Public Information Officer
- n) Risk and Safety Manager

- o) Any Department Head not listed above

### **18. Powers of Succession**

For the purpose of this policy, each person who shall succeed to each position of office as provided herein, and as provided for in continuity plans, shall assume all of the powers and duties of the office succeeded to immediately upon such succession.

RESOLUTION NUMBER AND DATE: 2024-058, dated June 18, 2024 (Supersedes BPC Policy No. 777, Resolution 2020-045, dated April 14, 2020; Resolution 2017-053, dated April 11, 2017)