



BPC Policy No. 777

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.

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: 2020-045, dated April 14, 2020 (Supersedes BPC Policy No. 777, Resolution 2017-053, dated April 11, 2017)

(7)

RESOLUTION 2020-045**RESOLUTION AMENDING BOARD OF PORT
COMMISSIONERS POLICY NO. 777, EMERGENCY
MANAGEMENT, TO UPDATE CERTAIN POSITION
TITLES AND TIMEFRAMES**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1 (Port Act); and

WHEREAS, on March 18, 2020 the District's CEO proclaimed a local emergency related to COVID-19; and

WHEREAS, on March 23, 2020, the Board of Port Commissioners (Board) adopted a resolution confirming and ratifying the local emergency; and

WHEREAS, Board Policy No. 777, Emergency Management, was adopted in April 2017, 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."; and

WHEREAS, Staff has identified updates to the Policy that are recommended to update certain position titles that have changed since the original adoption and certain timeframes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, that Board Policy No. 777 is hereby amended to update certain position titles that have changed since the original adoption and certain timeframes, a copy of which is on file with the Office of the District Clerk.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

Simon kann

By: Assistant/Deputy

2020-045

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 14th day of April 2020, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

NAYS: None.

EXCUSED: None.

ABSENT: None.

ABSTAIN: None.

Ann Moore

Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:

Donna Morales

Donna Morales
District Clerk



Certificate Of Completion

Envelope Id: E5DFD8EE3DAB4257BA0185C57FFC539D	Status: Completed
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dmorales@portofsandiego.org	Viewed: 5/11/2020 9:29:31 AM
District Clerk	Signed: 5/11/2020 9:35:08 AM
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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	5/11/2020 10:13:13 AM
Completed	Security Checked	5/11/2020 10:13:13 AM
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Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of a DocuSign envelope instead of signing it. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact San Diego Unified Port District:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: rsanagus@portofsandiego.org

To advise San Diego Unified Port District of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at rsanagus@portofsandiego.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

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Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

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San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Item No. 11C

File #:2020-0144

DATE: April 14, 2020

SUBJECT:

COVID-19

- A. RESOLUTION REVIEWING THE PROCLAIMED LOCAL EMERGENCY PURSUANT TO BOARD OF PORT COMMISSIONERS POLICY NO. 777, EMERGENCY MANAGEMENT;
- B. RESOLUTION DESIGNATING DISTRICT'S AGENTS FOR REQUESTING DISASTER ASSISTANCE FROM THE STATE OF CALIFORNIA;
- C. RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS POLICY NO. 777, EMERGENCY MANAGEMENT, TO UPDATE CERTAIN POSITION TITLES AND TIMEFRAMES.

EXECUTIVE SUMMARY:

On March 18, 2020 the District's CEO proclaimed a local emergency related to COVID-19. On March 23, 2020, the Board of Port Commissioners (Board) adopted a resolution confirming and ratifying the local emergency. This agenda recommends the Board take several actions related to the ongoing local emergency: (1) pursuant to Board Policy No. 777, Emergency Management, review the Local emergency and find it continues; (2) designate District agents for requesting disaster assistance from the State of California as required by the California Governor's Office of Emergency Services; and (3) amend Board Policy No. 777 to update certain position titles and timeframes that have changed since the original policy adoption.

RECOMMENDATION:

COVID-19

- A. Adopt a Resolution reviewing the proclaimed local emergency pursuant to Board Policy No. 777, Emergency Management;
- B. Adopt a Resolution designating District's agents for requesting disaster assistance from the State of California; and
- C. Adopt a Resolution amending Board of Port Commissioners Policy No. 777, Board Policy No. 777, Emergency Management, to update certain position titles and timeframes.

File #:2020-0144

FISCAL IMPACT:

This agenda, in part, takes steps to qualify the District for disaster relief through the State of California.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A Port that is a safe place to visit, work and play.
- A Port with an innovative and motivated workforce.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

On March 18, 2020 the District's CEO proclaimed a local emergency related to COVID-19. On March 23, 2020, the Board of Port Commissioners (Board) adopted a resolution confirming and ratifying the local emergency. This agenda recommends the Board take several actions related to the ongoing local emergency as described below.

Resolution Reviewing the Proclaimed Local Emergency

In its current form, Board Policy No. 777, Emergency Management, Section 6, Emergency proclamations, requires the Board to review a proclaimed local emergency at least every thirty (30) days until the Board terminates the Local Emergency. The federal government, the State of California, San Diego County and the District's member cities have declared emergencies related to COVID-19. The existing and threatened conditions that cause extreme peril to the safety of persons and property within the District, caused by the novel COVID-19 virus, as previously found by the CEO and the Board continue to exist, such existing and threatened conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the District, and 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. Staff recommends the Board review the Local Emergency and adopt a resolution documenting such review and finding the Local emergency continues.

Resolution Designating District's Agents for Requesting Disaster Assistance from the State of California

In accordance with the State of California's emergency declaration, the District may become entitled to disaster assistance through and from the State. In order to qualify, the Governor's Office of Emergency Services requires that local agencies designate agents authorized to request such relief. Such designations are valid for three years. The Board last adopted the required resolution in 2017, at its designation of agents expire on April 11, 2020. Regarding the COVID-19 emergency, the District must initially seek disaster relief through the State by April 17, 2020. Therefore, Staff

File #:2020-0144

recommends the Board adopt a resolution designating the District Chief Executive Officer (CEO), Chief Administrative Officer (CAO), and Vice President, Real Estate, Engineering and Facilities as the District's agents for requesting disaster assistance from the State of California for a period of three years as required by the Governor's Office of Emergency Services.

Resolution Amending Board Policy No. 777, Emergency Management

Board Policy No. 777, Emergency Management, was adopted in April 2017, 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." Since then, Staff has identified updates to the Policy that are recommended to update certain position titles and timeframes. A redline of the proposed changes is attached as Attachment A. A clean copy of the proposed changes is attached as Attachment B

General Counsel's Comments:

The Office of the General Counsel has reviewed and approved this agenda and proposed resolutions, as presented, as to form and legality.

Environmental Review:

The proposed Board actions do not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the District adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of Board's action that requires the District or the Board's discretionary approval resulting in a physical change to the environment will be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a "no project alternative" or adopting a Statement of Overriding Consideration, if required. The proposed Board actions in no way limit the exercise of this discretion. Therefore, no further CEQA review is required.

The proposed Board actions comply with sections 21 and 35 of the Port Act, which allow the Board to pass resolutions and to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board actions are consistent with the Public Trust Doctrine.

The proposed Board actions do not allow for "development," as defined in Section 30106 of the California Coastal Act, or "new development," pursuant to Section 1.a. of the District's Coastal Development Permit (CDP) Regulations because they will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a Coastal Development Permit or exclusion is not required. However, development within the District requires processing under the District's CDP Regulations. Future development, as defined in Section 30106 of the Coastal Act, will remain subject to its own independent review pursuant to the District's certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. The proposed Board actions in no way limit the exercise of the District's discretion under the District's CDP Regulations. Therefore,

File #:2020-0144

issuance of a CDP or exclusion is not required at this time.

Equal Opportunity Program:

Not Applicable.

PREPARED BY:

Matthew Brown,
Director of Emergency Management

Attachment(s):

- Attachment A: Proposed amendment to Policy No. 777, Emergency Management (redline)
- Attachment B: Proposed amendment to Policy No. 777, Emergency Management (clean)
- Attachment C: Draft Resolution reviewing the proclaimed local emergency pursuant to Board Policy No. 777, Emergency Management
- Attachment D: Draft Resolution designating District's agents for requesting disaster assistance from the State of California
- Attachment E: Draft Resolution amending Board of Port Commissioners Policy No. 777, Board Policy No. 777, Emergency Management



BPC POLICY NO. 777

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



BPC POLICY NO. 777

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 EM-O 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) ~~Director of Emergency Management (DEM)~~ to ~~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



BPC POLICY NO. 777

in the order named until the CEO is no longer unavailable:

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

4. ~~Director of Emergency Management~~ Emergency Manager

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

The ~~D~~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 ~~D~~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.



BPC POLICY NO. 777

- L. Serve as the Director of the Emergency Operations Center (EOC) when activated.



BPC POLICY NO. 777

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.

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 ~~thirty-sixty~~ (30/60) 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

Commented [SK1]: First, Govt Code 8630 is where the 30 days came from I think and that law was amended to be 60 days since Policy 777 was originally adopted. I suggest making it 60 to match the state law.

Next, Newson's emergency declaration waived the 60 day requirement during the statewide emergency so counties and cities do not need to keep revisiting even every 60 days. I suggest language so our Policy does not require something more than what may be required by state law. I added language such that if state law applicable to cities and counties changes, or the Governor makes some waiver by emergency declaration like he has done now, Policy will not require something more stringent.

Commented [MB2R1]: I concur. Question therefore – Presumably the Statewide emergency will be in affect for a minimum of another 60 days. We should forego the renewal at the 4/14 BPC meeting, and also thereafter? We proclaimed on 3/18 and May meeting is on 5/19 which is 63 days since 3/18.

Commented [MB3R1]:



BPC POLICY NO. 777

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 DEM 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 DEM 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,

Commented [MB4]: Simon to add verbiage re ability to conduct BPC meetings w/o Commissioners physically present



BPC POLICY NO. 777

~~the locally~~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 ~~DEM~~], 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.



BPC POLICY NO. 777

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~~ 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.



BPC POLICY NO. 777

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, DEM, 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 DEM 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 DEM at the direction of the CEO. Upon activation of the EOC, the DEM 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 Operating Officer/Vice Presidents~~, Chief of Harbor Police/Vice President, Chief Financial Officer/Treasurer/Vice President, all other Vice Presidents, Port Auditor, and District Clerk.

Commented [MB5]: Seek input from CEO



BPC POLICY NO. 777

13. Policy Group Powers and Duties

The District Policy Group shall assist the CEO and/or DEM 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 DEM.

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 DEM 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:



BPC POLICY NO. 777

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.



BPC POLICY NO. 777

47. Lines of Succession – Department Directors and Key Positions

17.

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 ~~and departments~~ include:

- a) Executive Director/CEO
- b) Vice Presidents
- c) Assistant Vice Presidents
- ~~b)d) Chief Financial Officer/Treasurer~~
- ~~e)e) District Clerk~~
- ~~f)f) General Counsel~~
- ~~e)g) Port Auditor~~
- ~~f)h) Chief Procurement Officer/Director~~
- i) Chief Technology Officer
- ~~g)i) Chief Engineer~~
- ~~h)k) Assistant Vice President of External Relations~~ Emergency Manager
- ~~j)l) Director of Emergency Management~~ Facility Security Officer
- ~~j)m) Facility Security Officer~~ Public Information Officer
- ~~k)n) Public Information Officer~~ Risk and Safety Manager
- ~~o) Risk and Safety Manager~~ Any Department Head not listed above
- ~~l)p) Any Department Head not listed above~~
- m) Information Technology Department
- n) Financial Services Department
- ~~o) Harbor Police Department~~
- ~~p) General Services Department~~
- ~~q) Human Resources Department~~
- ~~r) Engineering Construction Department~~
- ~~s) Real Estate Development Department~~
- ~~t) Planning and Green Port (Environmental Services) Department~~
- ~~u) Maritime Department~~

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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.



BPC POLICY NO. 777

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



BPC POLICY NO. 777

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



BPC POLICY NO. 777

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.



BPC POLICY NO. 777

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.

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



BPC POLICY NO. 777

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,



BPC POLICY NO. 777

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.



BPC POLICY NO. 777

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.



BPC POLICY NO. 777

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.



BPC POLICY NO. 777

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:



BPC POLICY NO. 777

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.



BPC POLICY NO. 777

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.

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION REVIEWING THE PROCLAIMED
LOCAL EMERGENCY PURSUANT TO BOARD OF
PORT COMMISSIONERS POLICY NO. 777,
EMERGENCY MANAGEMENT**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1 (Port Act); and

WHEREAS, the District, Board of Port Commissioners (Board), Policy No. 777, adopted by the Board by Resolution 2017-053 (April 11, 2017), empowers the Executive Director/Chief Executive Officer to proclaim a local emergency when such conditions exist 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 and the Board is not in session; and

WHEREAS, on March 18, 2020, the District's CEO proclaimed a local emergency related to COVID-19; and

WHEREAS, on March 23, 2020, the Board adopted a resolution confirming and ratifying the local emergency; and

WHEREAS, Board Policy No. 777, Emergency Management, Section 6, Emergency proclamations, currently requires the Board to review a proclaimed local emergency at least every thirty (30) days until the Board terminates the local emergency; and

WHEREAS, the federal government, the State of California, San Diego County and the District's member cities have declared emergencies related to COVID-19 which continue to be in effect; and

WHEREAS, the existing and threatened conditions that cause extreme peril to the safety of persons and property within the District, caused by the novel COVID-19 virus, as previously found by the CEO and the Board continue to exist, such existing and threatened conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the District, and 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; and

20xx-xxx

WHEREAS, Staff recommends the Board review the local emergency and adopt a resolution documenting such review and finding the local emergency continues.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, that the Board has reviewed the COVID-19 local emergency proclaimed by the CEO on March 18, 2020, and confirmed and ratified by the Board on March 23, 2020, and the Board finds the existing and threatened conditions continue to exist, and the local emergency continues to exist and shall be deemed to continue to exist until its termination is proclaimed by the Board of Port Commissioners of the San Diego Unified Port District.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 14th day of April 2020, by the following vote:

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION DESIGNATING DISTRICT'S
AGENTS FOR REQUESTING DISASTER
ASSISTANCE FROM THE STATE OF
CALIFORNIA**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1 (Port Act); and

WHEREAS, in accordance with the State of California's emergency declaration, the District may become entitled to disaster assistance through and from the State; and

WHEREAS, in order to qualify, the Governor's Office of Emergency Services requires that local agencies designate agents authorized to request such relief; and

WHEREAS, such designations are valid for three years; and

WHEREAS, the Board last adopted the required resolution in 2017, and its designation of agents expires on April 11, 2020; and

WHEREAS, regarding the COVID-19 emergency, the District must initially seek disaster relief through the State by April 17, 2020; and

WHEREAS, staff recommends the Board adopt a resolution designating the District's Chief Executive Officer (CEO), Chief Administrative Officer (CAO), and Vice President, Real Estate, Engineering and Facilities as the District's agents for requesting disaster assistance from the State of California for a period of three years as required by the Governor's Office of Emergency Services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

The District's Chief Executive Officer (CEO), Chief Administrative Officer (CAO), and Vice President, Real Estate, Engineering and Facilities are hereby designated the District's agents for requesting disaster assistance from the State of California for a period of three years as required by the Governor's Office of Emergency Services for requesting disaster assistance from the State of California.

20xx-xxx

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the
San Diego Unified Port District, this 14th day of April 2020, by the following vote:

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION AMENDING BOARD OF PORT
COMMISSIONERS POLICY NO. 777, EMERGENCY
MANAGEMENT, TO UPDATE CERTAIN POSITION
TITLES AND TIMEFRAMES**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1 (Port Act); and

WHEREAS, on March 18, 2020 the District's CEO proclaimed a local emergency related to COVID-19; and

WHEREAS, on March 23, 2020, the Board of Port Commissioners (Board) adopted a resolution confirming and ratifying the local emergency; and

WHEREAS, Board Policy No. 777, Emergency Management, was adopted in April 2017, 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."; and

WHEREAS, Staff has identified updates to the Policy that are recommended to update certain position titles that have changed since the original adoption and certain timeframes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, that Board Policy No. 777 is hereby amended to update certain position titles that have changed since the original adoption and certain timeframes, a copy of which is on file with the Office of the District Clerk.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 14th day of April 2020, by the following vote: