


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: September 24, 2020

SUBJECT: Fiscal Impact Statement – District Government Continuity of Operations Plans Amendment Act of 2020

REFERENCE: Bill 23-542, Draft Committee Print as circulated on September 23, 2020

Conclusion

Funds are sufficient in the fiscal year 2020 budget and the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill.

Background

All levels of government, as well as private enterprises, engage in continuity planning to ensure that their essential operations will continue in the event of any natural or unnatural disruptions. All branches of government must ensure that both their internal operations and cross-branch functions are prepared for any incidents with maximum preservation of essential functions. The Federal Emergency Management Agency provides guidance¹ on how lower levels of government should prepare for disruptions through the development of Continuity of Operations Plans (COOP). This guidance is designed to ensure that state and local governments can prepare for and effectively recover from disruptions and successfully coordinate with their federal government partners during those disruptions.

¹ Continuity Guidance Circular, Federal Emergency Management Agency, March 12, 2018
(<https://www.fema.gov/media-library/assets/documents/132130>).

In 2012, the Mayor issued an order² directing each cabinet-level agency to develop and annually update a COOP based on a Homeland Security and Emergency Management Agency (HSEMA) template, identify a COOP coordinator, and conduct annual exercises to test the COOP. HSEMA would review the plans, after-action reports, and corrective actions taken by the agencies.

The bill formally assigns HSEMA as the lead agency in the District's COOP process and requires it to appoint a dedicated COOP coordinator to oversee subordinate and independent District government agencies. The HSEMA COOP coordinator must provide COOP templates and development guidance to all agencies, maintain a list of each agency's COOP coordinator and backup coordinator, oversee COOP compliance with deadlines, and ensure agencies conduct COOP exercises. The bill also requires the HSEMA COOP coordinator to consult on after-action reviews of COOP exercises.

The bill establishes deadlines for HSEMA and District agencies to achieve the bill's COOP goals. Within 30 days of the bill's effective date, each agency must appoint their COOP coordinator and submit that information to HSEMA's COOP coordinator. Each agency must submit its initial COOP to the HSEMA COOP coordinator by October 1, 2021. By July 1, 2022 and annually thereafter, each agency must conduct a COOP exercise and perform an after-action review of that exercise. Following the exercises and reviews, agencies must update their COOPs and submit them to the HSEMA COOP coordinator beginning on October 1, 2022. The bill requires HSEMA to annually submit a report detailing HSEMA's efforts to implement the bill's provisions and each District government agency's compliance with the bill. The report must be provided to the City Administrator, Deputy Mayor for Public Safety and Justice, and the Council committee with HSEMA oversight.

The bill requires the Inspector General to audit the District's continuity of operations planning by January 31, 2022.

Financial Plan Impact

Funds are sufficient in the fiscal year 2020 budget and the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The 2012 Mayor's Order put HSEMA in charge of the District's continuity planning efforts and HSEMA established a dedicated COOP coordinator and has been working with all subordinate and independent agencies since that time. Most agencies have developed COOPs with HSEMA's guidance and already update them, engage in exercises, and provide after-action reports to HSEMA. The bill codifies and expands the Mayor's Order, but since most agencies, including independent agencies, are complying with the directive, there are no additional costs associated with the bill's implementation. HSEMA also believes that all of the reporting deadlines and requirements are achievable and do not require additional resources to meet.

HSEMA has also developed templates and toolkits that any agency can work from if that agency has not yet participated under the Mayor's Order. Any agencies that have not yet participated in continuity planning can absorb any costs, which HSEMA expects to be minimal, within their existing budgets.

² Continuity of Operations Planning, Mayor's Order 2012-61, effective April 27, 2012.