Get it together, together: Creating whole community continuity through cross-sector collaboration in Texas

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ABSTRACT

Continuity of operations for government is an evolving philosophy, much like exercises and after-action reports. Continuity continues to identify areas for growth and improvement as more people become involved in the conversation. This paper briefly describes the evolution of continuity in the USA and its application in the State of Texas. Moving forward, it discusses the application of the concept of 'whole community continuity' as the driving force of the Continuity Council in Texas, which focuses on preparedness at all levels, from individuals to private industry, to all levels of government.

Keywords: continuity of operations, continuity of government, business continuity, whole community continuity, cross-sector collaboration

OVERVIEW

Much has been written on the history of continuity theory and application. This paper does not seek to provide a scholarly recitation or critique but will provide a brief history of recent developments in the USA and specifically the State of Texas, as context for one aspect of continuity known as whole community continuity.

CONTINUITY IN THE USA

Many in the field of continuity in the USA suggest that a more expansive, more inclusive and increasingly progressive concept of continuity planning rapidly advanced after the September 11th terrorist attacks in New York City, Pennsylvania and Washington, DC (9/11). While continuity planning unarguably became more prevalent after the 9/11 attacks, continuity of operations principles have been in place since the founding of the country. Indeed, the US Constitution itself includes Orders of Succession.

Continuity of government planning became a paramount concern during the Second World War with the new threat of nuclear war. During that time, security plans took shape involving contingencies such as underground bunkers, separating those within the line of succession and providing strategic communications measures. With successive conflicts and wars, continuity of government and operations plans became more detailed, with more frequent directives and guidance on enduring constitutional government and emergency response; however, these policies focused on the federal government and relied, by necessity, on confidentiality.[1] In subsequent years, the private sector and state and local governments developed their own approaches in various domains, particularly the business sector and its components (eg business continuity planning, focusing primarily on economic concerns; and disaster recovery planning, focusing primarily on the information technology sector).

In the years before 2001, much of continuity planning at the state, local and private level concentrated primarily on vulnerabilities to natural disasters. These types of threats were fairly well known, and the risk universe was relatively constrained to events the country had already experienced or could extrapolate from past experience (versus what could be then reasonably imagined or were at the time unimaginable). The 9/11 Commission specifically referred to this phenomenon as a 'failure of imagination', and it is closely related both to Nassim Nicholas Taleb's popularisation of black swan theory (which posits that rare and unpredictable events are impossible to predict and therefore impossible to plan for) and Michele Wucker's grey rhino description (dealing with major impact events that are acknowledged as possible or probable, but nonetheless neglected until they occur).[2,3]

After 9/11, the federal government recognised that focusing on the executive, legislative and judicial branches was not enough. The attacks were widespread across the country, affecting multiple states with private and federal targets. The country would remain vulnerable to attacks if all levels of government and the community were not prepared. In May 2007, the President issued the National Security Presidential Directive-51/Homeland Security Presidential Directive-20 (NSPD-51/HSPD-20), requiring continuity plans for all federal agencies.[4] This was followed by the National Continuity Policy Implementation Plan in August 2007. The policy provided further guidance on continuity elements and identifying mission-essential functions based on the Federal Emergency Management Agency's (FEMA) eight National Essential Functions: (1) preserve the constitutional government, (2) provide visible leadership,(3) defend the country,

(4) maintain foreign relations, (5) protect the homeland, (6) provide emergency response/recovery, (7) maintain a stable economy and (8) provide critical government services.[5]

Thereafter, state governments entered the conversation and FEMA provided guidance not only for the federal government with Federal Continuity Directives 1 and 2 (2012 and 2013), but for state and non-governmental entities as well with Continuity Guidance Circulars 1 and 2 (2009 and 2013).[6–9]

CONTINUITY IN TEXAS

The Texas State Office of Risk Management (SORM) was created in 1996 by the Texas legislature with a mission to serve as the state's risk and insurance manager and managing continuity of operations planning for Texas state agencies. Recognising that continuity programmes and planning ensure the most critical state government functions continue to be available to Texas citizens under any conditions, with the involvement of SORM, the Texas legislature required by law that all Texas state agencies have continuity of operations plans and that each must regularly submit these plans to SORM for review and ongoing development.[10] This initial effort only required state agencies under the jurisdiction of SORM to participate and did not involve cross-sector collaboration between levels of government or even between state agencies.

To expand and evolve the continuity programme, SORM now provides leadership, guidance, resources and education to statewide continuity coordinators, risk managers and other continuity practitioners to support state agency efforts to protect the state's citizens and property, ensure economic safety and provide vital information and essential services. To do so, it was necessary to ensure

the effort was successful for the state as a whole. Working with the governor's office, executive leadership at other Texas state entities, and FEMA, SORM released the first Continuity Planning Guidance Letter in 2013, providing guidance on minimum standards for continuity planning and establishing the Texas Essential Functions, modelled after the National Essential Functions.[11]

The Texas Essential Functions identified are:

- *TEF 1: Maintain continuity of government*: Focus: Ensure the continued functioning of state government and critical government leadership elements, including: succession to key offices; organisational communications (with a priority on emergency communications); leadership and management operations; situational awareness; personnel accountability; and functional and judicial organisations (as necessary);
- *TEF 2: Provide visible leadership*: Focus: Provide leadership visible to the State of Texas and the nation, and maintain the trust and confidence of the state's citizens and partners;
- *TEF 3: Defend the constitution of Texas.* Focus: Defend the constitution of the State of Texas.
- *TEF 4: Maintain effective relationships with neighbours and partners*: Focus: Maintain relationships and cooperative agreements and facilitate information sharing among federal, state, local and tribal governments, as well as private sector and nonprofit partners;
- *TEF 5: Maintain law and* order: Focus: Maintain civil order and public safety (protect people and property and the rule of law), by ensuring basic civil rights, preventing crime and protecting critical infrastructure;
- *TEF 6: Ensure availability of emergency services*: Focus: Provide and/or assist local and tribal governments in providing critical emergency services, including emergency management, police, fire, ambulance, medical, search and rescue, hazmat, shelters, emergency food services, recovery operations, etc.;
- *TEF 7: Maintain economic stability*: Focus: Manage the overall economy of the State of Texas by managing the State's finances and ensuring solvency;
- *TEF 8: Ensure the availability of basic essential services*: Focus: Provide and/or assist in the provision of basic services, including water, power, healthcare, communications, transportation services, sanitation services, environmental protection, commerce and financial services, etc. These are services that must continue or be restored quickly to provide for basic needs.[12]

Given the existential nature of these essential functions, serious consideration and effort are required to ensure efficacy. It is not by happenstance that continuity is the first essential function identified.

In addition, after identifying a key differentiating factor between continuity planning for private business and continuity of operations planning for government regarding potential disclosure, the Texas legislature also responded to the proposal from SORM to classify continuity of operations plans as confidential by law.[13] Stephen Vollbrecht, Executive Director for SORM, authored a thesis exploring the lack of guidance on the confidentiality of continuity plans and developed a model to address the issue through the use of a risk-balancing analysis, modelled partially upon work done in the field of enterprise risk management as a member of the International Organisation for Standardisation.[14] This new provision sought to balance the need for secrecy (security) with transparency

(the public's right to know), ensuring robust, complete and usable plans could be developed without an unaddressed concern that sensitive information would or could be used against the government by malicious or bad actors. The proposal was accepted prior to thesis publication and confidentiality was secured for continuity programmes within state agencies by the Texas legislature in statute in 2015. However, due to jurisdictional limitations, local governments and other public organisations, such as school districts, must establish their own laws or policies regarding confidentiality of their continuity plans and programmes. This is one example of how continuity has historically worked its way from the top down within the governmental sector with organisations following the federal lead instead of a collaborative effort to enhance all levels of government, private sector and nonprofit organisations.[15]

WHOLE COMMUNITY CONTINUITY

By 2017, the USA had seen increased threats from terrorists in conjunction with an increase in devastating weather events. Hurricane Harvey and the hurricane season of 2017 marked a turning point in continuity planning. The FEMA After Action Report for the 2017 hurricane season demonstrated that communities that engaged in preparedness activities and prioritised planning at individual, family, community, state, local, tribal, territorial and federal levels were more resilient after disasters than communities that did not. FEMA also acknowledged that close partnerships and collaboration were crucial to community resilience and emergency response.[16]

While emergency response and emergency management has traditionally been an effort that begins with the local community and moves on to larger

organisations or levels of government when needed, this was not immediately the case with continuity. What began as a federal effort began to trickle down as other organisations saw its value and FEMA's experience with the 2017 hurricane season brought continuity planning and programmes more in line with standard emergency response protocols and operations.[17–19]

On 17th August, 2017, FEMA and SORM further developed the federal/state partnership, hosting a Continuity Guidance Circular Advisory Session at the Texas State Capitol. This dialogue was designed to discuss best practices, lessons learned and opportunities to inform continuity planning across the whole community. This collaboration, the first of its kind for Texas, brought together federal and state agency continuity practitioners in dialogue on continuity preparedness and planning, with the goal to define, develop and implement additional steps to help form continuity interoperability and cohesion between all levels of government. From this collaborative effort, in February 2018, FEMA published the updated Continuity Guidance Circular (CGC), wherein the concept of whole community continuity began to take shape.[20]

The CGC described integrating plans on all levels of government and working with individuals, nonprofits and private industry, including delineating roles and responsibilities between the levels. Continuity philosophy also evolved into a more adaptable model with a focus on all-hazards planning and providing scalable responses to events. While FEMA had previously introduced a whole community approach to emergency management in 2011, it was not until July of 2018 that FEMA released its vision on whole community continuity, further emphasising the importance of

cross–sector collaboration and planning on all levels.[21]

CURRENT STATE OF CONTINUITY IN TEXAS

The State Office of Risk Management issued its second statewide continuity guidance letter in 2022, incorporating many of the ongoing developments since the first letter was issued in 2013.[22] Continuity of operations has largely evolved from a siloed effort by the federal government or private enterprise to a whole community effort and continues to develop. Plans developed from a linear focus, centring on simply relocating to an alternative location, are evolving to the new realities of telework and are addressing additional cyber–security risks as a result of the COVID-19 pandemic and increased use of cyber attacks, respectively.[23–27] As these and new types of threats and hazards grow in intensity and frequency, organisations and individuals now require an array of options to respond properly to each event. Continuity is changing to fit these needs.

IMPLEMENTATION

The Continuity Council

While the concept of whole community continuity has proven to have demonstrable results, in practice, it can be complicated to gather representatives from numerous organisations. The State Office of Risk Management resolved to confront this challenge by creating a community wherein organisations from all levels of Texas government and private enterprise could discuss continuity, emergency management, disaster recovery and other related fields. In 2017, the first Continuity Council was created after the Continuity Guidance Circular Advisory Session in 2017 and initially consisted solely of continuity practitioners volunteering from within Texas state government organisations.

The initial results were unsuccessful. Due to the limited participation of only state entities and the siloed nature of continuity at the time, progress was slow, limited and somewhat recursive. As comprehensive review revealed that participants lost interest or did not feel represented and otherwise unique ideas were not adequately supported or pursued. As Soren Kierkegaard once said, 'Life can only be understood backwards; but it must be lived forwards'. The Council required a reimagining that pushed beyond what had already existed. Further, to be successful, it could not suffer from a 'failure of imagination'. The truth was obvious only with a clear view of failure. A whole community approach cannot succeed if it does not actually involve the whole community.

The Continuity Council, in its present iteration, began on 1st September, 2021, with the mission of truly involving the whole community in continuity, education and preparedness efforts.[28] In addition to continuity practitioners, the group has now expanded to related fields such as risk managers, emergency managers and other interested individuals. Representatives from private industry, higher education, additional jurisdictions in the USA and others have all been asked to join the group. Steady progress is now being made to expand the inclusion of underrepresented groups and to broaden the accessibility of the group for participation by reaching out to organisations, such as nonprofits, that represent these groups. Representatives from hospitals, emergency response nonprofits and local school districts regularly participate in meetings and offer their unique perspectives to the collaboration. Ultimately, the Council will also seek out the participation of stakeholders and clients of each of these organisations.

Upon first glance, the Council may appear to fit the prior mould of a top-down approach where FEMA guidance is being shared; however, this is not entirely the case. The group is purposefully designed to have an organisational culture that focuses on adaptability, collaboration, integrity and people/results outcomes.[29] Participation in the group is also strictly voluntary and requires a time commitment and a commitment to the mission and goals put forth by the charter. While SORM helps support the Council through technical access to websites, meeting software and government support, it is managed by objectives and is a truly collaborative environment.[30] In this way, as well as including all levels of government, private enterprise and non-profit sectors, the Council is an adaptable and scalable group that can expand upon continuity as a practice and help expose more and more organisations and individuals to continuity concepts and to general preparedness.

On a monthly basis, the Council routinely invites members and other experts to share presentations on cyber security, insurance, devolution and a multitude of other topics, broadening the base of knowledge of the membership and encouraging connections, both transactional and relational. The Council continues to discuss changes and challenges to areas such as telework, individual preparedness and the statewide efforts to provide alternative location solutions. While many of the discussions may be practical, an equal number are potentially highly theoretical. The Council encourages open and respectful communication, and collaboration and consensus, where appropriate, are the hallmarks of the meetings.

The Council also emphasises the education of staff within each representative's organisation about individual and family preparedness. For those newer to continuity, the Council has offered classes on creating exercises, running an exercise and on business process analyses/business impact analyses. Depending on the topic and other obligations, about 40–50 per cent of the entire council mailing list attend the regularly scheduled monthly meetings.

Because the Continuity Council provides an open forum to ask questions and receive feedback for anyone interested in continuity, participants continue to come from all sectors and are invited to attend the meetings through connections with other members or presentations to other groups by Council members and SORM staff. While the Council still primarily consists of Texas state representatives, it differs profoundly from the first iteration, which found itself without a path for continued development and evolution. Today, there are further efforts to expand membership to other states' representatives and the global community to build on the successes of this model. Figure 1 shows existing metrics collected by the Council for Council participation and representation, identifying the current constituency. As the Council grows and develops, these metrics will provide a clear vision of the progress toward further expansion, including underserved and/or marginalised populations.

The Council marks its second year in September 2023, and has shown an increase in growth of overall membership as well as the diversity of organisations represented. This growth is still incremental but no less innovative. The state of Texas has not previously seen a group of this nature committed to the principles of whole community continuity in both theory and in practice. The processes and form employed by the group are also innovative in their nature as they are changing previous administrative principles and processes within both state and
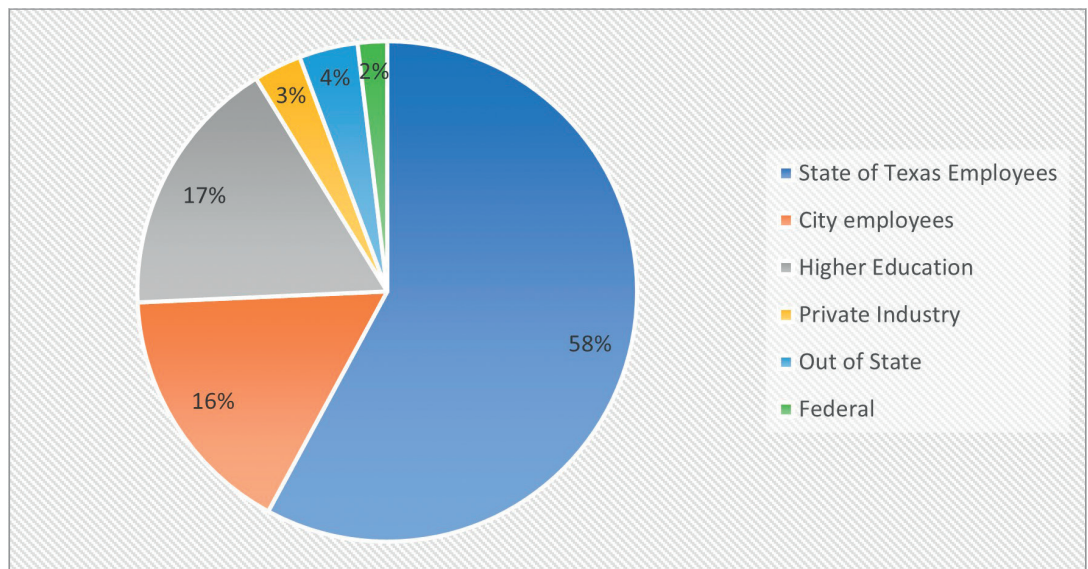
Figure 1: Continuity Council representatives

local governments in their inclusion of private enterprises and nonprofits.[31]

The Continuity Council Committee

Another key difference between the first Continuity Council and the current Continuity Council is its structure. As the managing panel of the Continuity Council, the Continuity Council Committee oversees the Council's efforts and consists of representatives from each sector, who volunteer to serve in a stewardship role. This group regularly discusses continuity trends and the Council's and members' needs to ensure the achievement of the mission (another missing component of the initial iteration of the Council). The Continuity Council's mission statement reads as follows:

> 'The State Office of Risk Management (SORM) supports a statewide Continuity Council as a forum for federal, state, local, tribal, and private entities to share ideas on continuity. The Council facilitates relationships with and among various governmental

and private entities to support a whole community focus for the Continuity program. The Council will strive to create a welcoming environment for all levels of continuity experience and will focus on providing education, guidance, and resources to all members of the continuity community. These meetings and events will be open to anyone who wants to attend.'[28]

Similar to the larger council, the Council collects data on committee involvement which is made up of 50 per cent state employees with at least one representative from the other fields as seen in Figure 2.

Subcommittees in the areas of education, programmes and recruiting aid the Committee proper in ensuring educational materials are bridging the gap between federal guidance and daily practice; presentations and discussion meetings are addressing the questions of the larger Council, and that the Council seeks and maintains representation from a diverse group of continuity coordinators. The Education Subcommittee is currently
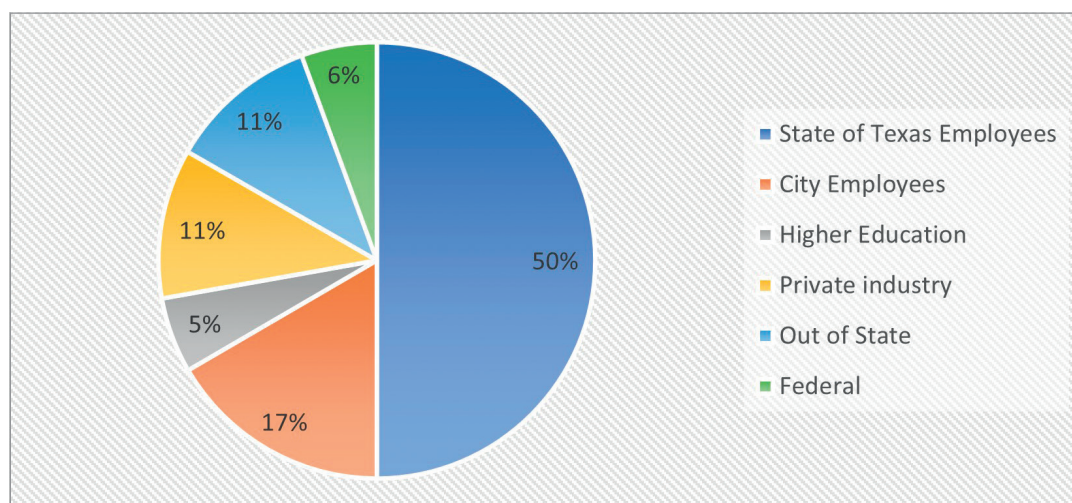
Figure 2:   Continuity Council Committee representatives

developing courses for creating and running exercises, performing a business process analyses and selecting quick–start guides for those practitioners who are performing continuity roles, in addition to other responsibilities such as human resources or IT. The Programs Subcommittee creates a list of meeting topics for the following year with an emphasis on demonstrating con– tinuity connections with other fields such as risk management, human resources and insurance. The Recruiting Subcommittee develops a list of groups to help increase membership in private enterprise, non– profit organisations and K–12 education. This subcommittee also regularly anal– yses the organisations represented in the Council and reaches out to groups who are not yet represented. If initial contact with organisations is unsuccessful, the Recruiting Subcommittee continuously seeks ways to connect with underrepre– sented groups.

Recently, the Committee began working on a challenging and novel effort to study the commonalities between continuity of operations and emergency management; in particular, the incident command system (ICS) — a standardised approach to incident management, much like COOP is to continuing operations after a disruption.

Continuity principles were developed in part from emergency management principles (FEMA is responsible for both standards) and many of the elements are still relevant, such as unity of command; span of control; delegations of authority; properly defining objectives, roles and responsibilities; communication methods; and test, training and exercise. By under– standing the common principles between emergency management and continuity, practitioners are exponentially increasing the level of communication between those in related fields and themselves. The goal in this case is not only to establish cross– domain understanding, but also functional interoperability. This effort is novel for the State of Texas as two different agencies with no overlap oversee continuity and emergency management.

To that point, the Council hosted a panel discussion on the topic at the Texas Emergency Management Conference in May 2023, sponsored by the Texas Department of Emergency Management. The session was designed to increase

awareness of similarities and invite discourse on the usefulness of continuing education efforts in emergency management classes as well as continuity. This effort has already increased communication and understanding among common fields in different domains by bringing additional representation to the Continuity Council, which will increase the resilience of community and the country. Demonstrating the connections between the two fields supports FEMA's efforts to expand community preparedness by bringing more representatives from diverse fields into the conversation around continuity and now also emergency management.

OUTCOMES

By increasing participation in the Continuity Council and providing educational opportunities and guidance among the group, SORM has sought to increase knowledge, skills, engagement and evolution in the continuity landscape by continuously engaging organisations in the whole community continuity discussion. The Council has helped SORM increase the quantity and quality of continuity plans created, improved the frequency that continuity plans are revised, and expanded assistance beyond state agencies. This has helped organisations such as municipal continuity plans and programmes in Texas, as well as other state, local, tribal and territorial groups.

CONTINUING GROWTH IN CONTINUITY PRINCIPLES

Continuity principles are continuously evolving. As with testing, training and exercise, continuity practitioners are updating plans and programmes to fit their changing needs by modifying plans to reflect current practices within their organisations. A specific example of this is

how devolution has evolved as a strategy to continue operations. Many agencies have largely ignored this strategy or considered it unfeasible; however, recent events, such as the global COVID-19 pandemic, which required agencies to implement telecommuting policies, and Winter Storm Uri in Texas, which resulted in the loss of electrical power to most of the state for a week, demonstrated that agencies should be prepared to have inadequate staffing to perform essential functions. With guidance from FEMA, state agencies and the Continuity Council are now modifying the concept of devolution from a full handover of all essential functions to partial devolution, where a contracted organisation may help perform parts of essential functions, or even a single function, as needed. State agencies are encouraged to investigate who these organisations could be and gather financial information and contacts, even if they cannot hold an organisation on retainer or otherwise establish an assistance agreement. In this way, entities are as prepared as possible and are not relying on the state legislature to resolve the issue during a catastrophic event (potentially requiring significant time), thus increasing individual agency responsiveness and resilience, and that of the state. While each Texas agency continuity plan is deemed confidential pursuant to HB 1832 (84R), the Statewide Continuity Coordinator who regularly reviews state agency continuity plans, has seen evidence of more robust continuity plans and programmes.

To support whole community continuity, the State Office of Risk Management and the Continuity Council focus on including each level of government as well as private sector continuity practitioners, including those serving underserved and marginalised populations, in regular discussion of continuity topics. This effort increases the understanding of one another's perspectives and helps the concepts

of continuity to grow and develop. Thus, by encouraging a deeper understanding of continuity and sharing preparedness efforts, the state is increasing its resilience to all hazards and threats.

The motto of the Continuity Council is 'Get it together, together'. This statement is intended to remind us of the tenets of FEMA's whole community continuity vision: 'a more resilient nation through whole community integration of continuity plans and programmes to sustain essential functions under all conditions'.[21] In Texas, that vision is not just for the nation, but for all the communities of which it is comprised.

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