



MEMORANDUM

DATE: March 21, 2023
TO: Paul Buddenhagen, City Manager
FROM: April Richardson, City Clerk
SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Appointing Standby Officers For Succession Of Council Members Sukhdeep Kaur And Kalimah Priforce In The Event Of A Declared Emergency For Calendar Year 2023**

RECOMMENDATION

Staff recommends that the City Council approve the above-entitled Resolution.

BACKGROUND

The City Council's role during an emergency or disaster is to provide continuity of government through effective leadership, authority, and policy direction on emergency and recovery operations. A major disaster could destroy the ability of the City Council to carry out these functions if a quorum of the City Council cannot be established. Government Code Sections 8635-8644 provide the authority for local governments to reconstitute themselves in the event that incumbent elected officials are unable or unavailable to serve due to either being missing, killed, or seriously injured enough to be unable to perform their City Council duties due to a state of emergency by appointing standby officers.

On December 20, 2022, three of the five sitting Council Members appointed their standby officers. On February 7, 2023, Council Member Priforce appointed one of his three standby officers. He has subsequently selected and confirmed the availability of his remaining two standby officers.

On January 15, 2023, Council Member Ally Medina resigned from the City Council. The City Council held an appointment process on February 21, 2023, to fill the vacancy on the Council and appointed Sukhdeep Kaur as Council Member. Council Member Kaur has subsequently selected and confirmed the availability of her standby officer choices.

DISCUSSION

The City Council may appoint standby officers by resolution to serve in the members' place in the event members are unavailable.¹ Government Code Section 8638 authorizes the City Council to appoint three standby officers for each member, and to designate them as first, second and third choices, as the case may be.²

¹ Government Code §8638.

² Government Code §8638(b)

Government Code Section 8639 provides that local governments should consider places of residence and work for each appointed standby officer to ensure the greatest probability of survivorship and availability. In addition, standby officers may be residents or officers of another political subdivision. Suggested minimum qualifications include that they must be a City resident, over 18 years of age, and a registered voter, with additional criteria that they have familiarity with City operations and/or experience having served on the City Council and/or a City commission or committee.

Once appointed, the standby officers would be administered the oath of office, would serve at the pleasure of the City Council, and could be removed and replaced at any time with or without cause.³ Reappointment of existing standby officers or appointment of new ones is to occur annually. The terms of these appointments shall commence January 1, 2023, and end December 31, 2023.

FISCAL IMPACT

There is no fiscal impact.

STAFF COMMUNICATION WITH THE PUBLIC

Staff has not had any communication with the public regarding this matter.

PREPARED BY: Lorraine Leong, Deputy City Clerk

APPROVED AND FORWARDED TO THE CITY COUNCIL OF THE CITY OF EMERYVILLE:

A handwritten signature in blue ink, appearing to read "Paul Buddenhagen", written over a horizontal line.

Paul Buddenhagen, City Manager

ATTACHMENTS

- Attachment A – Government Code Sections 8635-8644
- Draft Resolution
 - Exhibit A – 2023 City Council Emergency Standby Officers Roster, revised to show potential new appointments

³ Government Code §8640