



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** June 20, 2017

**TO:** Carolyn Lehr, City Manager

**FROM:** Sheri Hartz, City Clerk

**SUBJECT:** **Appointment Of Standby Officers For Council Member Succession In The Event Of A Declared Emergency**

### RECOMMENDATION

Staff recommends that the Council provide direction on whether it would like to appoint standby officers for Council Member succession in the event of a declared emergency, and if so, establish minimum qualifications, and a process by which to select standby officers.

### BACKGROUND

The City Council's role during an emergency or disaster is to provide continuity of government through effective leadership, authority and policy direction of emergency and recovery operations. A major disaster could destroy the ability of the City Council to carry out these functions if a Council quorum cannot be established.

### DISCUSSION

Government Code sections 8635-844 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 council duties due to a state or local emergency. In the event of a declared emergency, members of the Council shall appoint fill vacancies until there are sufficient officers to form a quorum.<sup>1</sup> In the event that there is only one member of the governing body or one standby officer, that one shall have the power to reconstitute the Council.<sup>2</sup>

The City Council may appoint standby officers by resolution to serve in the member's place in the event the member is unavailable.<sup>3</sup> Unavailable is defined as being killed, missing, or so seriously injured the member is unable to perform the duties of office.<sup>4</sup> Government Code section 8638 authorizes the Council to appoint three standby officers

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<sup>1</sup> Gov. Code, § 8643(b).

<sup>2</sup> *Ibid.*

<sup>3</sup> Gov. Code, § 8638.

<sup>4</sup> Gov. Code, § 8636.

for each member, and to designate them as first, second, and third.<sup>5</sup> Government Code section 8639 provides local governments should consider places of residence and work for each appointed standby officer to ensure the greatest probability of survivorship. In addition, standby officers may be residents or officers of another political subdivision. Suggested minimum qualifications include: 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 City Council's pleasure, and could be removed and replaced at any time with or without cause.<sup>6</sup> Reappointment of existing Standby Officers or appointment of new ones would occur annually.

If Council would like to appoint standby officers, Council should determine minimum qualifications for standby officers and a process to appoint standby officers. Staff can assist in any investigation of qualifications, provided the proposed appointee consents to such investigation. At a future meeting, each Council member could nominate three standby officers for his/her seat, and be prepared to discuss the standby officers' qualifications. Alternatively, the City Clerk's Office could post an announcement for applications, similar to vacancies on City advisory bodies.

## **STAFF COMMUNICATION WITH THE PUBLIC**

There have been no communications with the public on this item.

## **FISCAL IMPACT**

None.

**PREPARED BY:** Sheri Hartz, City Clerk

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



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Carolyn Lehr, City Manager

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<sup>5</sup> Gov. Code, § 8638.

<sup>6</sup> Gov. Code, § 8640.