



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** December 18, 2018

**TO:** Christine Daniel, City Manager

**FROM:** Sheri Hartz, City Clerk

**SUBJECT:** Resolution Of The City Council Of The City Of Emeryville Appointing Standby Officers For Council Member Succession In The Event Of A Declared Emergency For Calendar Year 2019

### RECOMMENDATION

Staff recommends that the Council approve the resolution to appoint standby officers for Council Member succession for calendar year 2019 in the event of a declared emergency.

### 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 Council quorum cannot be established.

This item was previously considered and the first appointments made by the Council at its November 7, 2017 meeting, for terms to run from January through December of 2018.

### DISCUSSION

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 council duties due to a state of emergency. In the event of a declared emergency, members of the Council shall fill vacancies from the appointed list of standby officers until there are sufficient officers available to constitute 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 members' place in the event members are unavailable.<sup>3</sup> Government Code section 8638 authorizes the Council to appoint three standby officers for each member, and to designate them as one, two and three, as the case may be.<sup>4</sup>

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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, § 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: 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.<sup>5</sup> Reappointment of existing standby officers or appointment of new ones is to occur annually.

Staff polled the current standby officers to inquire whether they are interested in being reappointed, and each of them indicated that they are. Council Members may either reappoint those current appointees or nominate up to three different standby officers from among qualified persons they have personally identified.

The City Manager will also appoint standby officers as follows: 1. City Attorney, 2. Public Works Director and 3. Community Development Director. No Council direction is requested on these appointments.

### **STAFF COMMUNICATION WITH THE PUBLIC**

Staff polled the current standby officers to inquire whether they are interested in being reappointed.

### **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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Christine Daniel, City Manager

### **ATTACHMENTS:**

- Draft Resolution with Exhibit A
- Current Roster of Standby Officers
- Government Code Sections 8635-8644

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<sup>5</sup> Gov. Code, § 8640.