



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** December 1, 2020  
**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 2021

### RECOMMENDATION

Staff recommends that the City Council approve the above-entitled Resolution to appoint standby officers for City Council Member succession for calendar year 2021 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 quorum of the City Council cannot be established.

This item was previously considered by the City Council on December 3, 2020, and Resolution No. 19-165 was adopted appointing standby officers for terms commencing January 1, 2020, and ending December 31, 2020, attached to the staff report as Attachment A.

### 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 City Council duties due to a state of emergency. In the event of a declared emergency, members of the City Council shall fill vacancies from the appropriated 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 City 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 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.<sup>4</sup>

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<sup>1</sup> Government Code §8643(b).

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

<sup>3</sup> Government Code §8638.

<sup>4</sup> 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.<sup>5</sup> Reappointment of existing standby officers or appointment of new ones is to occur annually. The terms of these appointments shall commence January 1, 2021, and end December 31, 2021.

Staff requested the City Council contact their current standby officers to inquire whether they are interested in being reappointed. Council Members may either reappoint those 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 City Council direction is requested on these appointments.

## **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:** Lorrayne Leong, Deputy City Clerk

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



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Christine Daniel, City Manager

## **ATTACHMENTS**

- Attachment A: 2020 City Council Standby Officers Roster
- Attachment B: Government Code Sections 8635-8644
- Draft Resolution
  - Exhibit A: 2021 City Council Standby Officers Roster

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<sup>5</sup> Government Code §8640.