

The Mercury News

‘Shadow government?’ No, it’s emergency ‘standby’ City Council service

By SAM RICHARDS | srichards@bayareanewsgroup.com | April 19, 2016 at 5:54 am

Gary Alpert got to know Bill Clarkson pretty well while working on Clarkson’s first San Ramon mayoral election campaign in 2011 — well enough to tap him to be a “standby” City Council member.

“I think he came to trust my judgment,” said Alpert, a retired AT&T director of technology and current member of the city’s Economic Development Advisory Committee. Alpert is top-ranked among the three people Clarkson has chosen to assume his council duties should an enemy attack, natural disaster or other event render him unable to perform his mayoral duties.

It isn’t a “shadow government,” as some conspiracy-minded websites continue to espouse. But for the council members and county supervisors who select their potential stand-ins, it’s an upfront and serious move to be prepared in a worst-case scenario.

“I think it’s prudent, since it takes little time and almost no money, even if it isn’t a priority,” Clarkson said. “If the worst happens ... the city manager could be in an awkward position to make financial decisions.”

Members of several East Bay cities’ elected councils, as well as the Contra Costa County Board of Supervisors, have for decades chosen people they know and trust to be willing to help run their cities should the unthinkable happen. It’s called for in Article 15, Sections 8635 through 8644, of the state of California Government Code that provide for “preservation of local government” should the elected leaders end up dead, injured or missing.

The chances of any of these council standbys coming to power are slim to none; no one asked for this story could remember any East Bay standby official ever stepping into the fray.

It’s hard to know how many of California’s 482 cities and towns do have standby elected leaders and top administrators; neither the League of California Cities nor the state Office of Emergency Services tracks this.

Some city attorneys say the language of the code section 8638 — including “the governing body thereof shall have the power to appoint the following standby officers” — isn’t an edict legally requiring standby councilors be named. Indeed, this exercise isn’t performed by the San Jose, Livermore, Oakland, Martinez, Livermore or Pleasanton city councils, or by the Alameda County or Santa Clara County supervisors, though virtually all California cities and towns have emergency operation plans.

But in cities where standby council members are chosen, elected officials said it’s all about being prepared. A 9/11-style attack could happen anywhere, they say — a Bay Bridge could be destroyed, or the TransAmerica “pyramid” toppled.

“It’s conceivable that, at some point, that one or more of us will be incapacitated, out of town or in some other situation in which we couldn’t perform our jobs,” said Loella Haskew, mayor of Walnut Creek, where City Council members earlier this month affirmed their annual choices. Council members in that city have been so choosing standbys for decades.

These “preservation of local government” code sections were first adopted in 1970, and updated a few times since, most recently in 2013. The code makes no

mention of any specific prospective enemy, but Yolo County's current emergency plan mentions the danger presented by both "old Cold War enemies" and "previously minor" nations that have attack missile or nuclear capability.

Humboldt County's emergency plan says that area's greatest threat is its vulnerability to earthquakes, which could present the same need for council standbys.

Some cities without "standbys," like Oakland, instead provide for the vice mayor to step in for the mayor, and the council president pro tempore for the council president, in the event of an attack or other disaster. Though San Jose has never appointed "standby" council members, the city's charter gives council members the power to appoint people to carry out the duties of positions where the incumbent is "killed, missing or disabled" in an attack or natural disaster.

Danville council members each chose standby council members from 1983 through 1993, but the city now designates holders of specific positions — starting with the chairpersons of the Planning Commission, Parks and Leisure Services Commission and then the Planning Commission vice chair — as standby decision-making leaders.

For her designees, Walnut Creek's Haskew chose three people she knows well — former council members Gary Skrel and Sue Rainey and current BART board director Gail Murray. Richmond council members' standby lists, on the other hand, are heavy with local political and human rights group activists. Richmond Mayor Tom Butt has chosen three family members as his designees: "Why not? They're competent and I trust them."

The Pittsburg City Council took flak in the late 1990s when, in choosing its standbys, some local critics said these choices amounted to an unelected "shadow government" populated by council confidantes. That idea brought laughs from Haskew and Clarkson. But familiarity with these standbys, Clarkson countered, is an absolute must. "I know and trust them, and they're well qualified to make sound, crucial decisions."

Walnut Creek standbys go through a special training annually, including a tour of the city's emergency operations center. "They're very much incorporated into the city's emergency management plan," said Nick Zubel, that city's emergency preparedness coordinator.

Martinez Mayor Rob Schroder acknowledged standby selections in that city faded away years ago, partly because the city has other emergency measures in place. Choosing standbys, he said, is a mixed bag.

"It's always good to be prepared, because you never know," he said. "At the same time, it could create issues — there should be some way to formally qualify these individuals we choose."

Alpert said he fully intends to stay qualified, and to that end has taken the city's "San Ramon Government 101" class, and Leadership San Ramon Valley training.

"I'm honored, definitely," Alpert said, "but it's one of those things you hope never, ever happens."

Staff writers David DeBolt, Jennifer Modenessi, Lisa P. White, Rowena Coetsee and Ramona Giwargis contributed to this report. Contact Sam Richards at 925-943-8241. Follow him at [Twitter.com/samrichardsWC](https://twitter.com/samrichardsWC)

SERVING IN AN EMERGENCY

City/Town Council members from Berkeley, Pleasant Hill, Antioch, Richmond, Concord, Lafayette, Oakley, Moraga, Walnut Creek and San Ramon, and the supervisors in Contra Costa County, are each asked to choose three "standby" members they believe could handle making stressful, crucial decisions over a short period during a man-made disaster like an enemy military attack, or a devastating "Act of God" occurrence like a major earthquake. The standbys would come online if their elected council designators are killed, injured or otherwise incapacitated or unable to take part in a meeting, live or via phone or teleconference. Such "standby" council members and county supervisors are sworn in like elected councilors, and in the event of such a disaster would serve either until the elected members return, or until the next election. These standby members and their duties are outlined in Article 15, Sections 8635 through 8644 of the state of California Government Code.