



## **STAFF REPORT TO THE CITY COUNCIL**

**DATE:** Regular Meeting of July 10, 2018

**TO:** Members of the City Council

**SUBMITTED BY:** Lori Martin, Administrative Services Director/City Clerk

**SUBJECT:** 2018 Emergency Management Office Holder Successors

### **RECOMMENDED ACTION:**

To provide for elected official succession in the unlikely event of a catastrophic emergency, staff recommends selecting from the following options:

Option 1: Provide for temporary succession by a statutorily determined process whereby the chairperson of a specified nearby county or mayor of a specified nearby city makes temporary appointments, or

Option 2: Invoke the statutory alternative whereby each member of the City Council makes three (3) standby officer appointments each to be Office Holder Successors, with the list updated annually.

### **COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION:**

There was no commission or subcommittee review of this item.

### **FISCAL IMPACT OF RECOMMENDATION:**

There is no fiscal impact associated with this item.

### **DISCUSSION:**

Preservation of Local Government is governed under California Government Code Section 8635 – 8644 (excerpts attached – Attachment 1). These provisions provide for two means by which local government can continue to operate if local elected officials are unavailable to perform their duties as a result of an emergency or disaster.

OPTION 1: The statute provides for a tiered “default” process that would delegate selection of alternatives to the chairperson of the Contra Costa County board of supervisors, and if he or she is unavailable, to the chairperson of the board of supervisors of any other county within 150 miles of Hercules, beginning with the nearest and most populated county and going to the farthest and least populated. If he or she were unavailable, then the appointment authority would be delegated to the mayor of any city within 150 miles of Hercules, beginning with the nearest and most populated city and going to the farthest and least populated (Cal. Government Code Section 8644). If this option

were approved by Council, the City's Emergency Operations Plan would need to be modified to reflect this option.

**OPTION 2:** The state statute provides the option for local elected officials to each designate up to three (3) standby officer appointments in the event the council as a body becomes unable to serve due to some calamity or dire emergency. This is the method adopted by previous councils, but the appointing of successors has not occurred in a number of years. If this process is to be continued, it is recommended that the City Council update the appointment of these standby officers each year as part of the annual reorganization, at which time the City Council makes appointments to other regional bodies and committees. New appointees would need to be sworn in; especially with out of town appointees, this can result in impact on staff as arrangements for formal swearing in will need to be made. If the Council directs that this process be continued, staff recommends that each councilmember provide to the City Clerk the three successor names and their contact information no later than July 31, 2018, for inclusion on the current City Council Appointments List (Attachment 3). Keep in mind that councilmembers have an obligation pursuant Sec. 8639 of the code to carefully investigate the standby officer's qualifications prior to appointment. Staff would thereafter annually include the appointment of, or confirmation of existing, standby officers as part of the annual update of appointments done each January.

A 2016 article from the Mercury News discussing this process and providing information on how other jurisdictions have handled standby appointments is provided as Attachment 3.

**ATTACHMENTS:**

1. California Government Code Section 8635 – 8644
2. City Council Representation on Regional Committees and City Sub-Committees Approved at the January 9, 2018 City Council meeting.
3. April 19, 2016 Mercury News article regarding the “standby” process.