To: Honorable Mayor and Members of the City Council
From: Councilmember Wengraf, Mayor Arreguin, and Councilmember Hahn
Subject: Short-Term Referral to City Manager re: Emergency Standby Officers Qualifications

RECOMMENDATION
Referral to the City Manager to consider the following suggestions for requirements and qualifications for Emergency Standby Officers and return to Council within 90 days with recommendations. Possible requirements may include:

- Trainings in roles and responsibilities to serve as a standby officer possibly including: ethics and workplace harassment.
- City government experience
- Council District residency
- Require standby officers to meet the same qualifications, including restrictions on conflict of interest, as required in the City Charter for City Councilmembers.
- In addition, consider requiring Councilmembers to nominate three people in a single action.

FINANCIAL IMPLICATIONS
None.

BACKGROUND
It recently came to our attention that City of Berkeley has no formal qualifications for Standby Officers. Government Code 8580, The California Emergency Services Act, sets out basic state procedures for declaration of emergency, includes a section “Preservation of Local Government,” which provides various methods of ensuring that in the case of a catastrophic emergency, in which it is possible that members of a governing body become unavailable, government can be reconstituted and continue until regular elections can be held. The Act envisions reconstitution of the governing body through the pre-designation of three standby officers for each Councilmember which may be appointed by the City Council, and who may substitute for the elected official if he or she were unavailable. The Act provides some procedures but does not
spell out the method of selection and ratification in all respects. The Act further provides that the qualifications of each Standby Officer should be carefully investigated but does not mandate what the qualifications should be. City of Berkeley Resolution no. 57,906-N.S., passed on March 14, 1995, designated a procedure and a minimal standard for selecting standby officers for City Councilmembers. This referral to the City Manager seeks to add qualifications for Standby Officers to ensure they are well trained and ready to serve in the event of a disaster. Standby Officers can be key assets as an emergency unfolds. If not properly trained, they can be out of touch and unsure of how to help. Strengthening qualifications will improve the City’s resiliency in the aftermath of a disaster.

ENVIRONMENTAL SUSTAINABILITY
No direct impact.

CONTACT PERSON
Councilmember Wengraf  Council District 6  510-981-7160

Attachments:
1: Resolution No. 57,906-N.S.
2: Government Code 8550
RESOLUTION NO. 57,906-N.S.

RESOLUTION DESIGNATING PROCEDURE FOR SELECTION OF STANDBY OFFICERS FOR CITY COUNCILMEMBERS IN THE EVENT OF A DISASTER.

WHEREAS, the California Emergency Services Act, Government Code sections 8550, et seq., which sets out basic state procedures for declaration of emergency, includes a section "Preservation of Local Government," which provides various methods of insuring that in the case of a catastrophic emergency, in which it is possible that members of a governing body become unavailable, government can be reconstituted and continue until regular elections can be held; and

WHEREAS, the Act envisions reconstitution of the governing body through the predesignation of three standby officers for each Councilmember which may be appointed by the City Council, and who may substitute for the elected official if he or she were unavailable; and

WHEREAS, the Act provides some procedures but does not spell out the method of selection and ratification in all respects; and

WHEREAS, the Act further provides that the qualifications of each standby officer should be carefully investigated but does not mandate what the qualifications should be;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following procedure for appointment of Standby officers is adopted:

1. No person who has been convicted of the crimes of bribery, malfeasance in office, violation of Government Code Section 1090 or the Political Reform Act shall be eligible to be a Standby Officer.

2. Each Councilmember shall identify three potential standby officers for that Councilmember, shall obtain written consent for each person being named, shall designate each proposed officer as No. 1, 2 or 3, and shall submit the name of each person to the City Manager by March 28, 1995.

3. The City Manager shall investigate the qualification of each proposed standby officer, and shall submit the names of those proposed standby officers as to whom the investigation verified their qualifications to the City Council by April 11, 1995.

4. The names of the proposed, investigated and approved standby officers shall be submitted to the City Council as a whole for final approval by May 9, 1995.
RESOLUTION

No. 57,906 N.S.

Dated March 14, 1995

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: Councilmembers Armstrong, Maio, Shirek, Spring, Wainwright, Woodworth, Woolley-Bauer and President Dean.

Noes: Councilmember Olds.

Abstaining: None.

Absent: None.

Shirley Dean
Mayor and President of the Council

Attest: Sherry M. Kelly
City Clerk and Clerk of the Council
GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 1. GENERAL [8000 - 8899.24] (Division 1 enacted by Stats. 1943, Ch. 134.)

CHAPTER 7. California Emergency Services Act [8550 - 8668] (Chapter 7 added by Stats. 1970, Ch. 1454.)

ARTICLE 1. Purpose [8550 - 8551] (Article 1 added by Stats. 1970, Ch. 1454.)

The state has long recognized its responsibility to mitigate the effects of natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life, property, and the resources of the state, and generally to protect the health and safety and preserve the lives and property of the people of the state. To ensure that preparations within the state will be adequate to deal with such emergencies, it is hereby found and declared to be necessary:

(a) To confer upon the Governor and upon the chief executives and governing bodies of political subdivisions of this state the emergency powers provided herein; and to provide for state assistance in the organization and maintenance of the emergency programs of such political subdivisions.

(b) To provide for a state office to be known and referred to as the Office of Emergency Services, within the office of the Governor, and to prescribe the powers and duties of the director of that office.

(c) To provide for the assignment of functions to state entities to be performed during an emergency and for the coordination and direction of the emergency actions of those entities.

(d) To provide for the rendering of mutual aid by the state government and all its departments and agencies and by the political subdivisions of this state in carrying out the purposes of this chapter.

(e) To authorize the establishment of such organizations and the taking of such actions as are necessary and proper to carry out the provisions of this chapter.

It is further declared to be the purpose of this chapter and the policy of this state that all emergency services functions of this state be coordinated as far as possible with the comparable functions of its political subdivisions, of the federal government including its various departments and agencies, of other states, and of private agencies of every type, to the end that the most effective use may be made of all manpower, resources, and facilities for dealing with any emergency that may occur.

(Amended by Stats. 2013, Ch. 352, Sec. 111. (AB 1317) Effective September 26, 2013. Operative July 1, 2013, by Sec. 543 of Ch. 352.)