



AGENDA REPORT

Meeting Date: September 15, 2009
Item Number: F-7
To: Honorable Mayor & City Council
From: Pamela Mottice Muller, Director Office of Emergency Management
Subject: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS APPOINTING STANDBY OFFICERS FOR THE CITY COUNCIL
Attachments: 1. Resolution

RECOMMENDATION

Staff recommends the City Council approve the resolution adopting the individuals listed as standby officers of the City of Beverly Hills City Council.

INTRODUCTION

In the event of an emergency, it is important the City has a plan in place for the succession of its elected officials and officers, all department heads and all employees in critical positions, there must be a method for reconstituting City Council positions should current officials become unavailable when or after the emergency or disaster occurs, the appointment of standby officers allows for a method to be established before the disaster happens.

The City Council was asked to submit three names to the City Clerk to be appointed should a member be unavailable to serve during a state or local emergency. All City Council members have submitted names and the City Council is asked to adopt the resolution listing individuals as standby officers for all members of the city Council.

DISCUSSION

The City Council performs important roles in a disaster such as ratifying a local emergency, passing imperative emergency resolutions, establishing city-wide policies, providing information to the public and media and hosting and accompanying VIPs and government officials.

The City's Disaster Plan follows California State Government Code Section 8637 which provides for a succession of the City Manager and all department heads by identifying a

lead and back-ups. The City Council has the authority to do the same in accordance with State Government Code: Article 15 Preservation of Local Government Sections 8635-8644.

The City Council may appoint three qualified standby officers for each elected official. This would provide for the continuance of the legislative functions during a federal, state or local emergency. Standby officers must be designated number one, two and three, as the case may be, with number one serving first in the event of the regular officer is unavailable. (Cal. Gov't Code § 8638)

The term "unavailable" means that an officer is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his or her duties. Any question as to whether a particular officer is unavailable is settled by the governing body of the political subdivision or any remaining available members of said body (including standby officers who are serving on such governing body). (Cal. Gov't Code § 8636)

Standby officers serve at the City Council's pleasure and may be removed and replaced at any time with or without cause. (Cal. Gov't Code § 8640) If called upon to fill the post for which he or she has been appointed as a standby, the standby officer serves until the regular officer becomes available or until the election or appointment of a new regular officer. (Cal. Gov't Code § 8641)

If the City Council does not provide standby officers or should all members of the governing body, including all standby members, be unavailable, temporary officers are appointed to serve until a regular member or a standby member becomes available or until the election or appointment of a new regular or standby member. Temporary officers are appointed as follows:

- a) By the chairman of the board of supervisors of the county in which the political subdivision is located, and if he/she is unavailable,
- b) By the chairman of the board of supervisors of any other county within 150 miles of the political subdivision, beginning with the nearest and most populated county and going to the farthest and least populated, and if he is unavailable,
- c) By the mayor of any city within 150 miles of the political subdivision, beginning with the nearest and most populated city and going to the farthest and least populated. (Cal. Gov't Code § 8644)

Standby Officers have four basic duties:

1. To inform himself or herself of the duties of the office for which he or she is a Standby Officer.
2. To keep informed of the business and affairs of the political subdivision to the extent necessary to enable the Standby Officer to fill his or her post competently.
3. To immediately report as ready for duty in the event of a state of war emergency, state of emergency, or a local emergency, at the place and in the method previously designated by the city council.
4. To fill the post for which he or she has been appointed when the regular officer is unavailable during a state of war emergency, state of emergency,

or a local emergency, and to serve until the regular officer becomes available or until the election or appointment of a new regular officer.

The City Clerk's Office will make arrangements to provide individuals selected with the oath of office and a copy of Article 15, Division 1, Title 2 of the Government Code as soon as feasible. By administering the oath now, and providing them with the relevant background codes, they will be prepared to act quickly in the event of an emergency. During a future City Council meeting the Office of Emergency Management will provide a presentation on the City Council's roles and responsibilities in a disaster. These stand-by officers will be invited to attend or view the presentation on the website or cable television.

FISCAL IMPACT

Should the City Council lack a quorum and is unable to meet, federal reimbursement for disaster losses could be foregone because of the inability to ratify an emergency. A lack of quorum could cause other problems resulting in a negative fiscal impact.

Except the administrative costs, there does not appear to be a fiscal impact on the process of appointing successors.

Pamela Mottice Muller

Approved By

Attachment 1

Resolution

RESOLUTION NO. 09-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPOINTING STANDBY OFFICERS FOR THE CITY COUNCIL

WHEREAS, Government Code Section 8635 *et seq.*, entitled “Preservation of Local Government,” sets forth a procedure for local governments to provide for the continued functioning of local governments in the event of a state of war emergency, state of emergency or local emergency; and

WHEREAS, Government Code Section 8638 authorizes the City Council to provide for the continuance of the City’s legislative and executive departments during a state of war emergency, state of emergency or local emergency by appointing standby officers for each member of the city Council; and

WHEREAS, Government Code Section 8638 provides that standby officers shall be designated numbers 1, 2, and 3 in descending order of succession; and

WHEREAS, pursuant to Government Code Section 8641, a standby officer is to fill the appointed post when the regular officer is unavailable as defined in Government Code Section 8636, and is to serve in such post until such time as the regular officer becomes available or a new regular officer is elected or appointed; and

WHEREAS, the qualifications of each standby officer named in Section 2 below have been carefully reviewed and each designated person has been determined to be an appropriate designee.

NOW, THEREFORE, the City Council of the City of Beverly Hills does hereby resolve as follows:

Section 1. The following persons are appointed as standby officers for the City Council:

Councilmember:

Nancy Krasne

Jimmy Delshad

Barry Brucker

Willie Brien

John Mirisch

Standby Councilmembers:

1. Tom Levyn
2. James Krasne
3. MeraLee Goldman

1. Linda Briskman
2. Stephen Webb
3. Vicki Reynolds Pepper

1. Tom Levyn
2. Noah Furie
3. Daniel Yukelson

1. Brian Rosenstein
2. Julian Gold, MD
3. Craig Corman

1. Gerald Lunn
2. Ed Brown
3. Wendy Goldberg

Section 2. Standby officers shall receive no compensation for the performance of their duties as standby officers except as provided for by law.

Section 3. The City Clerk shall administer the oath of office to the standby officers and provide each standby officer with a copy of Article 15 of Division 1 of Title 2 of the California Government Code.

Section 4. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification be entered in the Book of Resolutions of the Council of the City.

Adopted:

NANCY KRASNE
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:
 fw KL

KATIE LICHTIG
Assistant City Manager



PAMELA MOTTICE MULLER
Director of Emergency Management