

**TO: HONORABLE CITY COUNCIL**

**ATTN: POLICY AND SERVICES COMMITTEE**

**FROM: CITY MANAGER DEPARTMENT: CITY MANAGER'S OFFICE**

**DATE: NOVEMBER 22, 2005 CMR:432:05**

**SUBJECT: RECOMMENDATIONS REGARDING APPOINTMENT AND DUTIES OF EMERGENCY STANDBY COUNCIL MEMBERS**

**RECOMMENDATION**

Staff recommends that the Policy and Services Committee recommend to Council amending Palo Alto Municipal Code Chapter 2.12.090 regarding the Emergency Standby Council.

**BACKGROUND**

On June 14, 2005, the Committee provided direction to staff as to how to appoint and reaffirm membership in the Emergency Standby Council on an annual basis. The Committee asked staff to return with a policy and procedure.

On July 12, 2005, the Committee reviewed the proposed policy and directed staff to refine it by answering specific questions, including:

- Who makes appointments to the Emergency Standby Council?
- When are appointments required to be made?
- What are the criteria required to activate the Emergency Standby Council?
- Which members of the Emergency Standby Council should be appointed to the City Council during a qualifying emergency event?

Additionally, the Committee wanted to limit the size of the Emergency Standby Council to seven members and include language making emergency preparedness training mandatory for members of the Emergency Standby Council.

**DISCUSSION**

Although Article II, Section 23 of the City Charter authorizes the City Council to provide for preservation of the City government in the event of disaster, Palo Alto Municipal Code 2.12.090 presently implements that authorization only by establishing an emergency standby council equal to the number of authorized Council Members. The specific mechanism for selection and operation of the emergency standby council is not designated. The proposed draft ordinance revises that code section by suggesting such a mechanism.

California Government Code sections 8635-8644 provide the framework for preservation of local government in the event of disasters, which are defined and categorized as a “state of war emergency”, a “state of emergency”, or a “local emergency” in Articles 12, 13, and 14 of the Government Code.

Under Government Code section 8638, the local governing body may appoint three emergency standby Council Members for each member of the governing body, but there is nothing in the state code which mandates that number or would prevent a charter city from selecting a different number. Consequently, the draft ordinance incorporates the Committee’s suggestion for a seven-member emergency standby council.

Under Government Code section 8639, the emergency standby Council Members are supposed to be selected by giving consideration to the places of residence and work that will afford the best chance of survivability in the event of a disaster. The draft ordinance does not attempt to restrict this selection process by residency or work location, however, it only provides for selection from former Council Members.

The members of the emergency standby council are required to be selected and given the oath of office prior to any declaration of emergency so that they can receive disaster preparedness training. The draft ordinance does not attempt to restrict the mechanism for the Council to call up members of the emergency standby council in the event of a disaster, it only provides for the Council to select from the emergency standby council by majority vote in order to fill vacancies created due to unavailability of a Council member when a disaster is declared.

Government Code section 8636 defines “unavailable” to mean that an officer is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform the duties of office. The Committee’s prior discussion indicates a desire to broaden this definition to include circumstances such as when a Council Member is temporarily out of the local area.

The draft ordinance provides that emergency standby Council Members appointed to fill Council vacancies will serve until the position is filled by a regular Council member who becomes no longer unavailable or until the election or appointment of a new Council Member.

It is suggested that as early as practicable in January, staff shall submit to the City Council on Consent Calendar the proposed members of the Emergency Standby Council. The Emergency Standby Council should be composed of the most recently retired members of the City Council who are willing to serve. Service on the Emergency Standby Council will require that the individuals commit to participation in emergency preparedness training and exercises as requested by the City Manager.

## **RESOURCE IMPACT**

Implementation of this recommendation would have a limited resource impact with regard to conducting annual training for the Emergency Standby Council.

**POLICY IMPLICATIONS**

This recommendation is consistent with existing City policies.

**ATTACHMENTS**

1. Ordinance of the Council of the City of Palo Alto amending Title 2 (Administrative Code), Chapter 2.12 (Emergency Organization and Functions), Section 2.12.090 (Continuity of Government in the Event of a Disaster) of the Palo Alto Municipal Code relating to the appointment and duties of Emergency Standby Council Members.

PREPARED BY

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CITY MANAGER APPROVAL

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