



Office of the City Manager

REVISED AGENDA MATERIAL

Meeting Date: December 3, 2019

Item Number: 2

Item Description: Emergency Standby Officers for the Mayor and Councilmembers

Supplemental/Revision Submitted By: Mark Numainville, City Clerk

The resolution is revised to include Solomon Alpert as a nominee for District 7. Mr. Alpert recently completed the requirements for a standby officer and is eligible to be approved by the City Council.

Supplements or Revisions submitted pursuant to BMC § 2.06.070 may only be revisions of the original report included in the Agenda Packet.



Office of the City Manager

CONSENT CALENDAR

December 3, 2019

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Mark Numainville, City Clerk
Subject: Emergency Standby Officers for the Mayor and Councilmembers

RECOMMENDATION

Adopt a Resolution confirming the appointment of Standby Officers for the Mayor and each Councilmember to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 68,454-N.S.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On April 23, 2019, the Council adopted Resolution No. 68,830-N.S. (Attachment 3), updating the procedure for the qualification and nomination of Standby Officers for the Mayor and City Councilmembers in the event of an emergency.

The new policy for standby officers includes the following requirements.

- City government experience
- Filing of a Form 700 Statement of Economic Interest at the time of nomination.
- Trainings in following areas (within six months of confirmation): AB1234 (Ethics), Harassment prevention, Brown Act, Conflict of Interest, and roles and responsibilities in an emergency.
- The standby officer be 18 years of age or older and a registered voter.
- No convictions for the crimes of bribery, malfeasance in office, violation of Government Code Section 1090 or the Political Reform Act.

The City Clerk Department and Human Resources Department have all necessary steps to verify the qualification of the nominated standby officers against the criteria outlined above. The nominees that have completed all the requirements are listed by name in the resolution. In Attachment 1 all nominees are listed by name with the status of their qualification noted.

BACKGROUND

On March 14, 1995, the Council adopted Resolution No. 57,906-N.S., designating a procedure for the selection of Standby Officers for City Councilmembers in the event of an emergency. The original resolution was updated on April 23, 2019 by Resolution No. 68,830-N.S. which update the qualification required for standby officers. This procedure is part of the City's emergency preparedness planning and ensures that in the case of a disaster or other catastrophic emergency causing the unavailability of one or more members of the Council (or Standby Officers where a Councilmember is unavailable), government can continue to function. Under state law, a Councilmember or Standby Officer is "unavailable" when he or she is "either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his [or her] duties." (Govt Code § 8636.)

RATIONALE FOR RECOMMENDATION

Councilmembers have nominated their Standby Officers. Pursuant to the Resolution, the City Manager has commenced investigations to determine that each nominee is qualified to serve as a Standby Officer. While the investigations are ongoing, this resolution is being brought forward as an interim update to reflect the nominees that have completed the process.

The Standby Officers are designated numbers 1, 2, or 3, and will serve in that order if the preceding officer or officers are unavailable. The Council is now asked to formally approve the appointment of all Standby Officers, whose names are listed in the attached resolution.

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

- 1: List of Nominees
- 2: Resolution
- 3: Resolution 68,830-N.S.

Status of Nominees

Mayor

1. Linda Maio - complete
2. John Selawsky - complete
3. Gordon Wozniak - complete

District 1

1. Laurie Capitelli - complete
2. Beth Gerstein - complete
3. Teresa Clarke - complete

District 2

1. Hatem Bazian - complete
2. Willie Phillips - complete
3. Kinchasa Taylor - incomplete

District 3

1. Mari Mendonca - incomplete
2. Kathleen Crandall - complete
3. Emily Modde - complete

District 4

1. Holly Scheider - complete
2. Kelly Hammargren - complete
3. Erin Diehm - complete

District 5

1. John C. Hitchen - complete
2. Ronnie Cohen - complete
3. David Peattie - incomplete

District 6

1. Ray Yep - complete
2. Gordon Wozniak - complete
3. Linda Maio - complete

District 7

1. Solomon Alpert - complete
2. Varsha Sarveshwar - complete
3. Timothy Xavier Johnson - complete

District 8

1. Laurie Capitelli - complete
2. Denise Pinkston - incomplete
3. None Designated

RESOLUTION NO. ##,###-N.S.

CONFIRMING THE APPOINTMENT OF STANDBY OFFICERS AND RESCINDING
RESOLUTION NO. 68,454-N.S.

WHEREAS, by Resolution No. 57,906-N.S. adopted March 14, 1995, the Council enacted a policy for the appointment of Standby Officers to serve in each Councilmember's place in the event the Councilmember is unavailable during a disaster; and

WHEREAS, each Councilmember has nominated Standby Officers and the City Manager has found all the nominees to be qualified in accordance with the standards set forth in Resolution No. 57,906-N.S.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following persons are hereby confirmed as Standby Officers to serve in place of a Councilmember in case the Councilmember is unavailable during a catastrophic emergency, and that they shall serve in the order listed, successive Standby Officers serving only if the preceding officer or officers are unavailable. The definition of "unavailable" shall be as set forth in Government Code Section 8636: an officer is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his or her duties; or as that Section may be hereafter amended.

For Mayor Jesse Arreguin

1. Linda Maio
2. John Selawsky
3. Gordon Wozniak

For Councilmember Rashi Kesarwani

1. Laurie Capitelli
2. Beth Gerstein
3. Teresa Clarke

For Councilmember Cheryl Davila

1. Hatem Bazian
2. Willie Phillips
3. *Pending*

For Councilmember Ben Bartlett

1. *Pending*
2. Kathleen Crandall
3. Emily Modde

For Councilmember Kate Harrison

1. Holly Scheider
2. Kelly Hammargren
3. Erin Diehm

For Councilmember Sophie Hahn

1. John C. Hitchen
2. Ronnie Cohen
3. *Pending*

For Councilmember Susan Wengraf

1. Ray Yep
2. Gordon Wozniak
3. Linda Maio

For Councilmember Rigel Robinson

1. Solomon Alpert
2. Varsha Sarveshwar
3. Timothy Xavier Johnson

For Councilmember Lori Droste

1. Laurie Capitelli
2. *Pending*
3. None Designated

BE IT FURTHER RESOLVED, that Resolution No. 68,454-N.S. is hereby rescinded.