

CONSENT CALENDAR September 18, 2012

To: Honorable Mayor and Members of the City Council

From: Councilmember Jesse Arreguin

Subject: Leave of Absence for Mental Health Commissioner Nemirow

RECOMMENDATION

Adopt a Resolution approving a three month leave of absence from October 1, 2012 through December 31, 2012 for Mental Health Commissioner Kim Nemirow.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

In accordance with Berkeley Municipal Code Section 3.02.030, commission members may be granted a leave of absence anywhere from one meeting up to a period not to exceed three months by the appointing Councilmember. In the case of commissioners who are appointed by the Council as a whole, a leave of absence not to exceed three months may be granted by the Council; the Commission Secretary shall submit a consent item to the agenda process for Council approval prior to the actual absence.

Members of the Mental Health Commission are appointed by the Council as a whole to meet specific categories determined by State law. As a result, Council as a whole must grant a leave of absence for any member of the Mental Health Commission. During the commission member's authorized leave of absence, the commission treats the absence as a vacancy, i.e., the number required for a quorum drops accordingly. The appointing Councilmember or the Council may fill such vacancy by a temporary appointment for a period not to exceed the period of the temporary vacancy.

BACKGROUND

On July 31, 2012, Kim Nemirow submitted a written request for a leave of absence from October 1, 2012 through December 31, 2012 for medical reasons. The combination of Commissioner Nemirow's expected absences and her inclusion in the quorum would make it difficult for the Commission to reach quorum and take effective action. Therefore, a leave of absence for the period October 1, 2012 through December 31, 2012 is being requested for Commissioner Nemirow.

RATIONALE FOR RECOMMENDATION

This course of action will support the Mental Health Commission in reaching quorum and being most effective during this time period.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Carol Patterson, Mental Health Commission Secretary, Health, Housing & Community Services, 981-5217.

Attachments:

1: Resolution

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

GRANTING A LEAVE OF ABSENCE FOR MENTAL HEALTH COMMISSIONER KIM NEMIROW FROM OCTOBER 1, 2012 THROUGH DECEMBER 31, 2012

WHEREAS, with the exception of the Mayor's designee, the Membership of the Mental Health Commission is appointed by the City Council as a whole; and

WHEREAS, with the ongoing implementation of the Mental Health Services Act, the City of Berkeley will need to have a Mental Health Commission that has a quorum at its regular meetings and is able to take action; and

WHEREAS, on July 31, 2012, Kim Nemirow submitted a written request for a leave of absence from October 1, 2012 through December 31, 2012; and

WHEREAS, with the absence of Commissioner Nemirow from Mental Health Commission meetings during the period October 1, 2012 through December 31, 2012 the Commission may have difficulty reaching quorum.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Kim Nemirow is granted a leave from the Mental Health Commission, for the period October 1, 2012 through December 31, 2012.