



Office of the City Manager

CONSENT CALENDAR
October 15, 2013

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Amendment to Berkeley Municipal Code Section 3.02.030 Regarding Appointments to the Design Review Commission

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 3.02.030 clarifying the rules for granting a leave of absence to a member of the Design Review Commission that was appointed by another commission.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Recently a member of the Design Review Commission (DRC) contacted the City Clerk Department regarding the process for obtaining a leave of absence. This commissioner was appointed to DRC by another City commission pursuant to BMC Section 23B.08.010.

The current language in Section 3.02.030 only provides for a leave of absence to be granted by the appointing Councilmember or the Council as a whole. It does not provide for a commissioner that is appointed by another commission.

RATIONALE FOR RECOMMENDATION

This amendment will allow for DRC commissioners to be granted a leave of absence in a manner provided to other commissioners. This will provide for less disruption to the commission from potential absences and terminations for attendance.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1: Ordinance

ORDINANCE NO. –N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 3.02.030; LEAVES OF ABSENCE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Section 3.02.030 of the Berkeley Municipal Code is hereby amended as follows:

3.02.030 Leaves of absence.

The following circumstances shall not count as absences for the purposes of Section 3.02.020:

A. A member of a board, commission or committee may be granted a leave of absence not to exceed three months by the appointing Councilmember, the appointing Commission, or the Council, when the appointment is made by the Council as a whole, and a temporary vacancy shall thereupon exist for the period of such leave of absence. Notice of the leave of absence must be filed with the City Clerk prior to the absence. During the period of such temporary vacancy, the appointing Councilmember, the appointing Commission, or the Council, when the appointment is made by the Council as a whole, may fill such vacancy by a temporary appointment to said commission; provided, however, that the period of such temporary appointment shall not exceed the period of the temporary vacancy. At the expiration of a leave of absence so granted, the member shall automatically resume full membership on the board, commission or committee.

B. Commissioners may request that an absence be excused due to a conflict between the date of a scheduled commission meeting on which the commissioner sits and a religious or cultural holiday. Such a request shall be made in writing on a form provided by the City and submitted to the secretary prior to the meeting for which the commissioner's absence is to be excused. The request shall not be subject to the approval of the commission but shall be accepted upon request. The secretary shall then excuse that absence and exclude it from the attendance report sent semi-annually to the City Clerk.

The definition of a religious or cultural holiday shall be left to the individual commissioner. However, the following list may be considered illustrative of the religious and cultural holidays for which a commissioner may seek an excused absence: Al Hijrah New Year, Ash Wednesday, Chinese New Year, Diwali, Easter Sunday, Eid Al Fitr, Eid Al Adha, Good Friday, Hanukkah, Holi, Kwanzaa, Palm Sunday, Passover, Rosh Hashanah, St. Patrick's Day and Yom Kippur.

Section 2. Posting.

Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.