

Office of the City Manager

CONSENT CALENDAR
April 26, 2005

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Subject: Correct an Administrative Error Affecting Two Resolutions Concerning
Supplemental Military Leave Compensation and the Berkeley Hills Fire Station

RECOMMENDATION

Adopt a Resolution to correct an administrative error that affects two City Council Resolutions as follows: 1) amend Resolution No. 62,648–N.S., the City’s Supplemental Military Leave Compensation Policy, to rescind Resolution No. 61,960 N.S. and all Resolutions amendatory thereto; and 2) reinstate Resolution No. 61,690–N.S. that certified that the final Environmental Impact Report on the Berkeley Hills Fire Station complies with the California Environmental Quality Act (CEQA) and adoption of findings regarding impacts, mitigation measures, alternatives and other matters in accordance with CEQA and approve Use Permits and a Variance for the Berkeley Hills Fire Station located at 3000 Shasta Road retroactively to September 21, 2004.

FISCAL IMPACTS OF RECOMMENDATION

There are no financial impacts associated with this recommendation.

CURRENT SITUATION AND ITS EFFECTS

Through an administrative error in drafting the staff report on extension of the City’s Supplemental Military Leave Compensation Policy, staff recommended that Resolution No. 61,690–N.S. and all other resolutions amendatory thereto be rescinded. Unfortunately, staff should have recommended that Resolution No. 61,960–N.S. and all other resolutions amendatory thereto be rescinded, as this was the resolution that established the City’s Supplemental Military Leave Compensation Policy. Resolution No. 61,690–N.S. certified that the final Environmental Impact Report on the Berkeley Hills Fire Station complies with the California Environmental Quality Act (CEQA), etc.

The legislative intent of the City Council was to amend and extend the City’s Supplemental Military Compensation Leave benefit to provide a salary supplement for an aggregate of 24-months for employees called for active military service. It was also the City Council’s legislative intent to certify that the final Environmental Impact Report on the Berkeley Hills Fire Station at 3000 Shasta Road complies with CEQA, adopt findings regarding impacts, mitigation measures, alternatives and other matters in accordance with CEQA and approve Use Permits and a Variance for the Berkeley Hills Fire Station. The action being recommended is to adopt a Resolution to correct an administrative error to correctly reflect the intent of the City Council.

Correct an Administrative Error Affecting Two Resolutions
Concerning Supplemental Military Leave Compensation
And the Berkeley Hills Fire Station

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BACKGROUND

On July 23, 2002, the City Council adopted Resolution No. 61,690-N.S. that certified that the final Environmental Impact Report on the Berkeley Hills Fire Station at 3000 Shasta Road complies with CEQA, adopt findings regarding impacts, mitigation measures, alternatives and other matters in accordance with CEQA and approve Use Permits and a Variance for the Berkeley Hills Fire Station. On September 21, 2004, the City Council adopted Resolution No. 62,648-N.S. that amended and extended the City's Supplemental Military Leave Compensation benefit to provide an aggregate of 24-months of supplemental pay for employees on active military service that must be taken within 36-months of the initial order to military service retroactive to February 13, 2003 and expiring on May 31, 2005. Resolution No. 62,648 N.S. also specifically rescinded Resolution No. 61,690-N.S. and all other resolutions amendatory thereto.

As stated above, Resolution No. 61,690-N.S. pertained to the Berkeley Hills Fire Station and not to the City's Supplemental Military Leave Compensation benefit. Staff inadvertently transposed the numbers of the Resolution to be rescinded. Resolution No. 62,648-N.S. should have rescinded Resolution No. 61,960-N.S. and all other resolutions amendatory thereto.

RATIONALE FOR RECOMMENDATION

The purpose of this recommendation is to correct and administrative error pertaining to the inadvertent transposition of resolution numbers in the drafting of the staff report and Council Resolution on the City's Supplemental Military Leave Compensation benefit and reflect the legislative intent of the City Council.

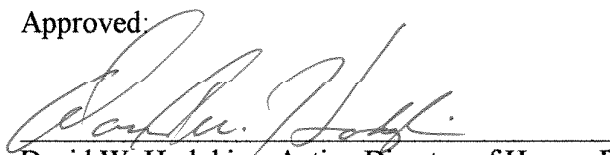
ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

David W. Hodgkins, Acting Director of Human Resources, 981-6805

Approved:



David W. Hodgkins, Acting Director of Human Resources

RESOLUTION NO -N.S

CORRECT AN ADMINISTRATIVE ERROR AFFECTING TWO CITY COUNCIL RESOLUTIONS AS FOLLOWS: 1) AMEND RESOLUTION NO. 62,648-N.S., THE CITY'S SUPPLEMENTAL MILITARY LEAVE COMPENSATION POLICY, TO RESCIND RESOLUTION NO. 61,960-N.S. AND ALL RESOLUTIONS AMENDATORY THERETO; AND 2) REINSTATE RESOLUTION NO. 61,690-N.S. CERTIFYING THAT THE FINAL ENVIRONMENTAL IMPACT REPORT ON THE BERKELEY HILLS FIRE STATION COMPLIES WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPTING FINDINGS REGARDING IMPACTS, MITIGATION MEASURES, ALTERNATIVES AND OTHER MATTERS IN ACCORDANCE WITH CEQA AND APPROVE USE PERMITS AND A VARIANCE FOR THE BERKELEY HILLS FIRE STATION LOCATED AT 3000 SHASTA ROAD RETROACTIVELY TO SEPTEMBER 21, 2004

WHEREAS, on September 21, 2004, the City Council adopted Resolution No. 62,648-N.S. that amended and extended the City's Supplemental Military Leave Compensation benefit to provide an aggregate of 24-months of Supplemental Pay for employees on active military service that must be taken within 36-months of the initial order to military service; said policy to be retroactive to February 13, 2003 and expires on May 31, 2005 and rescinded Resolution No. 61,690-N.S. and all other resolutions amendatory thereto; and

WHEREAS, staff incorrectly cited Resolution No. 61,690-N.S. to be rescinded when the correct resolution to be rescinded is Resolution No. 61,960-N.S.; and

WHEREAS, Resolution No. 61,690-N.S. pertains to the California Environmental Quality Act (CEQA) certification of compliance for the final environmental impact report for the Berkeley Hills Fire Station and adoption of findings regarding impacts, mitigation measures, alternatives and other matters in accordance with CEQA and approves use permits and a variance for the Berkeley Hills Fire Station located at 3000 Shasta Road.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley amends Resolution No. 62,648-N.S. to rescind Resolution No. 61,960-N.S. and all resolutions amendatory thereto effective September 21, 2004; and

BE IT FURTHER RESOLVED THAT the Council of the City of Berkeley reinstates Resolution No. 61,690-N.S. retroactive to September 21, 2004

