

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: DENNIS HAWKINS

SUBJECT: COMMISSIONER LEAVE OF ABSENCE

DATE: March 25, 2011

RECOMMENDATION

1. The City Council grants a leave of absence to Troy Overton, member of the Appeals Hearing Board for the period April 1, 2011 through April 30, 2012.
2. Direct the City Clerk to begin the recruitment of a temporary Commissioner to serve during Commissioner Overton's leave and return to the Council within 45-days with applicants for the Council's consideration

BACKGROUND

Troy Overton was re-appointed to the Appeals Hearing Board by the City Council on December 7, 2010 for a three-year, expiring December 31, 2013. Mr. Overton has requested a leave of absence from the Commission due to his military activation commencing April 5, 2011 (see attached).

Under San Jose Municipal Code Section 2.08.140, the Council may grant a leave of absence to a Commissioner as below:

"A member of a commission may be granted a leave of absence by the city council, and a temporary vacancy shall thereupon exist for the period of such leave of absence. During the period of such temporary vacancy, the council may fill such vacancy by temporary appointment to the 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 membership on the commission."

ANALYSIS

The Council has the discretion to authorize a leave of absence for a Commissioner. The leave of absence will enable Mr. Overton to fulfill his military obligations and allow him to resume his service on the Commission upon his return. During the leave of absence, Chair Overton's term

HONORABLE MAYOR AND CITY COUNCIL

March 25, 2011

Subject: Request for Commissioner Leave of Absence, Appeals Hearing Board

Page 2

would be suspended, and a temporary vacancy would exist that could be filled by a temporary appointment for the term of the absence. At the expiration of a leave, Chair Overton would automatically resume membership on the Board to serve the remainder of his term through December 31, 2014. The Appeals Hearing Board is a seven-member Commission, which does have sufficient a number of members to conduct business during the recruitment and appointment period.

COORDINATION

This memorandum has been coordinated with the Offices of the City Attorney and the Planning, Building and Code Enforcement Department.

A handwritten signature in black ink, appearing to read "Dennis Hawkins". The signature is written in a cursive, flowing style.

DENNIS D. HAWKINS, CMC
City Clerk

For questions, please contact Dennis Hawkins, City Clerk, at (408) 535-1275.

Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Michael Hannon

**SUBJECT: APPEALS HEARING BOARD
CHAIR REQUEST FOR
LEAVE OF ABSENCE**

DATE: March 24, 2011

The San Jose Appeals Hearing Board Chair Troy Overton is being involuntarily deployed by the United States Army Reserves for one year and has requested a leave of absence beginning April 14, 2011 through April 30, 2012. As a result of the mobilization orders issued on February 28, 2011, Chair Overton will not be available beginning April 14, 2011 through April 30, 2012.

Chair Overton has served in the capacity as the designated attorney on the Board since January 2008, and was recently appointed by the City Council to a second term beginning January 2011. Under San Jose Municipal Code Section 2.08.140, a member of a commission may be granted a leave of absence by the City Council. During the leave of absence, Chair Overton's term would be suspended, and a temporary vacancy would exist that could be filled by a temporary appointment for the term of the absence. At the expiration of leave, Chair Overton would automatically resume membership on the Board.

Therefore, I am requesting that this matter be agendaized for the April 19, 2011 City Council Meeting, with a recommendation that the City Council approve Chair Overton's request for leave of absence, and direction to fill the temporary vacancy during his absence.

Please advise if further information is required.

Michael Hannon, Code Enforcement Official
Planning, Building and Code Enforcement

MH:SB:sck

TROY B. OVERTON
3423 Royal Meadow Lane
San Jose, California 95135
(408) 859-7599

March 23, 2011

Dennis Hawkins
City Clerk
Office of the City Clerk
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Re: Leave of Absence from Appeals Hearing Board Due to Active Duty Call-Up

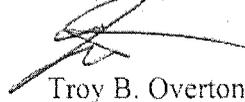
Dear Mr. Hawkins:

On December 7, 2010, I was appointed by the City Council as member of the Appeals Hearings Board to an unexpired term ending December 31, 2013. I am currently the Chair of the Board. I am also a member of the United States Army Reserve. On February 28, 2011, I received mobilization orders involuntarily recalling me to Active Duty pursuant to the Presidential call-up in time of national emergency provisions of Title 10, United States Code section 12302. The effective date of the mobilization is April 5, 2011 and is 365 days in duration. I will be assigned to the 1st Cavalry Division at Fort Hood, Texas. A copy of my mobilization orders is enclosed herewith.

As a result of this involuntary recall to Active Duty, I will not be available to perform my Appeals Hearing Board duties commencing April 1, 2011 through April 30, 2012. As a result, I would respectfully request a leave of absence from the Appeals Hearing Board during that period and be allowed to resume my duties upon my return.

I very much appreciate your consideration of this request and please do not hesitate to contact me should you have any further questions or concerns.

Very Respectfully,



Troy B. Overton

cc: Sandy Bouja, Appeals Hearing Board Secretary
Rosa Tsongtaatarii, Deputy City Attorney

Encl.

DEPARTMENT OF THE ARMY
USAR JOINT & SPECIAL TROOPS SUPPORT COMMAND
BUILDING 103, STEPHEN A. DOUGLAS ARMED FORCES RESERVE CENTER
SALT LAKE CITY, UT 84113-5030

ORDERS 11-059-00015

28 February 2011

OVERTON TROY BENTLEY

0075 JA DET DET 3 (WR3JY3)
MOUNTAIN VIEW, CA 94043-1809

You are ordered to Active Duty as a member of your Reserve Component unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

Report to: 0075 JA DET DET 3 (WR3JY3), 230 RT JONES ROAD, MOUNTAIN VIEW, CA
94043-1809 Report On: 05 April 2011

Report to: Fort Hood, Building 121, Reception Center, Fort Hood, TX. 76544 Report
On: 08 April 2011

Period of active duty: 365 Days

Purpose: Mobilization for ENDURING FREEDOM (CONUS BASED SUPPORT)

Mobilization category code: "V"

Additional instructions: (01, 03, 04, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16,
17, 20, 21, 22) See page 2

FOR ARMY USE

AUTHORITY: TITLE 10 USC, SECTION 12302/HQDA MSG 041717ZFeb11/MOBORD/1743-11

Accounting classification:

211/2/3 2010.0000 01-1100 F1A100 11**/12** VFRE F1201 5570 01FFGU S12120

21 1 2020.0000 B1 BITC 135197 21T1/T2 VFRE F4209 AZVX2E 12161 SAF

Sex: M

MDC: PMO1

PMOS/AOC/ASI/LIC: 27A

HOR: SAN JOSE, CA

PEBD: 23 May 1984

DOR: 19 February 2004

Security clearance: SECRET

Comp: USAR

Format: 165

* OFFICIAL *
* USAR JSTSC *

DAVID H. GOERES
COL, CA
DEPUTY CHIEF OF STAFF, G-1

DISTRIBUTION: M1 PLUS
INDIVIDUAL CONCERNED (4)
FAMILY ASSISTANCE OFFICER (1)
MPRJ
FILE (ORIGINAL + 1)