

Torrance, California
May 23, 1940

MINUTES OF AN ADJOURNED
REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF TORRANCE

The City Council of the City of Torrance convened in an Adjourned Regular Meeting in the Council Chamber, City Hall, Torrance, California, on Thursday, May 23, 1940 at 4:00 P.M.

Mayor McGuire called the meeting to order.

Clerk Bartlett called the roll, those answering present being Councilmen: Babcock, Hitchcock, Murray, Powell and McGuire. Absent: Councilmen: None.

Councilman Murray moved that reading and approving of minutes of an Adjourned Regular Meeting held May 21, 1940 be suspended until the regular meeting of May 28, 1940.

Clerk Bartlett announced the purpose of the meeting, being "to reconsider the action taken by the Council at the Meeting of May 14, 1940 in removing J. H. Stroh for the office of Chief of Police of the City of Torrance."

Clerk Bartlett read an opinion submitted by City Attorney McCall, which opinion was requested at the Adjourned Meeting held May 21, 1940. The opinion covered two points as follows: (1) Whether or not the City Council can permanently remove Chief of Police without a trial and (2) the procedure necessary to remove from office Chief of Police under Civil Service Ordinance No. 249.

Attorney McCall cited Section 17 of Ordinance No. 249, providing that Chief of Police shall be removed or reduced in rank only as provided for other members of classified service; removal of other members of classified service being covered by Sections 20 and 21 of said Ordinance providing that written charges against the accused be prepared by the Chief and filed with the Trial Board, the Trial Board consisting of the Civil Service Board and Chiefs of the Fire and Police Departments.

Attorney McCall ruled that City Council does not have power under Ordinance No. 249 to remove a Chief of Police permanently without a trial before the Civil Service Commission or Trial Board.

Regarding the second point in question, Attorney McCall rules that, although the ordinance does not lay down a clear and definite method for removal of the Chief of either the Fire or Police Department, since Section 17 of said ordinance definitely states that the Chief of the Police Department after appointment can be removed or reduced in rank only as provided for other members of classified service, written charges would have to first be made against him and filed with the Trial Board; that a copy of the charges be served on him after which he would have ten days to answer. Attorney McCall ruled further that in the case of the trial of the Chief of Police, the Trial Board would consist of the Civil Service Commission and the Chief of the Fire Department.

Councilman Powell stated that, although he felt convinced Attorney McCall had rendered his honest opinion in the matter, he still felt that the City Council had authority to reduce the Chief of Police back to the rank he held before appointment as Chief without a trial before the Civil Service Commission. He said Albert Isen had studied the ordinance and asked that Mr. Isen be allowed to render his opinion at this time.

As a prelude to his opinion, Attorney Isen remarked that "I feel that anything I may say will be in the nature of privileged communication and hope there won't be any slander actions filed against me.", to which Attorney Sheedy of the Peace Officers Civil Service Association entered an objection. Mr. Isen was presumably referring to the slander suit filed by J. H. Stroh against Councilman Powell resulting from charges made by Councilman Powell against J. H. Stroh regarding the asserted improper handling of public funds.

Mayor McGuire asked Mr. Isen to confine his remarks to his opinion as requested by Councilman Powell.

Mr. Isen said that he felt Mr. McCall's opinion had to do with dismissal from the service entirely rather than a demotion. He said that the action taken by the Council was not dismissal from service, but a demotion to the rank held by the Chief before his appointment as Chief. He said the Chief naturally had to be under the supervision of someone, and since, he said, the Council appoints the Chief of Police, the Council has authority over him, which, in his opinion, gave the Council authority to reduce in rank the Chief of Police without preferring charges and giving the person a trial before the Civil Service Board.

Mr. Isen asked Attorney McCall for his opinion as to who would have authority to prefer charges against the Chief of Police, to which Mr. McCall answered "the Council".

Mr. Isen submitted that, if the action were a dismissal from the service entirely, the accused would have the privilege of demanding a trial before the Trial Board.

Mr. McCall complimented Mr. Isen's speech and said he would be glad to have Mr. Isen give him a written copy of the points he discussed.

Mr. Sheedy stated that he was in complete accord with Mr. McCall's opinion.

Mr. A. Beldon Gilbert, Secretary of the Peace Officers Civil Service Association, expressed his interest in the case and asked again that the motion of May 14, 1940 in removing J. H. Stroh from the office of Chief of Police be rescinded and J. H. Stroh restored to his position as Chief.

Councilman Babcock stated he had met with Chief Stroh today (May 23, 1940) for discussion of this matter, at which time, he said, Chief Stroh had agreed to cooperate in every manner with the Council if the action of May 14, 1940 is rescinded.

Councilman Babcock moved that the action of the City Council taken May 14, 1940 dismissing, or reducing in rank Chief of Police John Stroh be rescinded.

Councilman Murray said he had also attended the conference between Councilman Babcock and Chief Stroh and was of the understanding the Council was not expected to take any action until Chief Stroh submitted his resignation to the office of Chief of Police.

Councilman Murray seconded Councilman Babcock's motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Babcock, Hitchcock, Murray, Powell, and McGuire. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Councilman Murray explained he had been called into the conference with Councilman Babcock and Chief Stroh and the understanding had been, he said, that if the Council rescinded the motion of May 14, 1940, Chief Stroh would resign from his position of Chief of Police, as of June 1, 1940.

At this time, Mayor McGuire issued a statement regarding the whole proceeding, stating that, although there had been rumors of

changes in the Police Department, he did not know that the action of May 14, 1940 was anticipated until it was taken. He said he had voted no on the action, feeling that Chief Stroh had not been given due consideration, not having been even asked by the Council to resign his position.

He stated further that the action of Chief Stroh as to whether or not he resigns as Chief of Police is entirely with him, and that if he does submit a resignation, it will be considered by the Council. He added he had known Sergeant Schumacher a number of years and has a high regard for him. He stated he would like to have it known that no dismissals of employees would be made in the future in the abrupt manner as was attempted May 14, 1940.

Mr. Sheedy expressed appreciation for the action taken in rescinding the action, for himself and in behalf of the Peace Officers Civil Service Association.

Mr. Sheedy called to Councilman Murray's attention the fact that Chief Stroh, in making the statement to Councilman Murray and Councilman Babcock (as related by Councilman Murray), did in no sense whatsoever accept as being true the charges which were made against him as a basis for the action taken May 14, 1940.

Councilman Babcock moved that the action taken May 14, 1940 in appointing Sergeant Frank Schumacher as Chief of Police be rescinded. Councilman Hitchcock seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Babcock, Hitchcock, Murray, Powell and McGuire. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Councilman Murray moved that "in view of the fact that one of our Councilmen is being sued for action taken in his official capacity, I make a motion that the City Council furnish him legal counsel." Councilman Powell seconded the motion.

It was assumed that Councilman Murray was referring to the slander suit filed against Councilman Powell by Chief of Police Stroh.

A question arose as to the legality of the City furnishing legal counsel in an instance of this kind. Mr. McCall offered to brief the matter and submit an opinion.

Mr. Sheedy mentioned that the City of Arcadia had encountered difficulties over just such a matter.

Mr. McCall said he would be happy to represent Councilman Powell in the case if he could legally do so. Councilman Murray said he felt Councilman Powell, as a City Official, is entitled to legal counsel furnished by the City.

After a brief discussion, Councilman Murray withdrew his motion that legal counsel be furnished and Councilman Powell withdrew his second, pending the brief of the point by Attorney McCall.

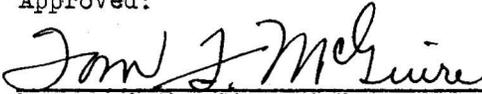
Mayor McGuire announced an informal Council meeting scheduled for May 24, 1940 at 5:00 P.M., for discussion of the Pacific Electric Railway Company right of way on Cabrillo Avenue. He invited all those interested to attend the meeting, adding that the Torrance Improvement Association will be present.

Councilman Murray suggested that the proposed change house at the Municipal Park be investigated, stating that the location, according to present plans, would place the building directly over a sewer. Councilman Babcock volunteered to investigate the matter and report.

At 4:59 P.M., upon motion of Councilman Hitchcock, seconded by Councilman Murray, the meeting adjourned.


City Clerk of the City of Torrance

Approved:


Mayor of the City of Torrance

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