

Torrance, California
December 28, 1965

MINUTES OF A REGULARLY ADJOURNED
MEETING OF THE TORRANCE CITY COUNCIL

CALL TO ORDER:

A regularly adjourned meeting of the Torrance City Council was held at 4:00 p.m., on Tuesday, December 28, 1965, in the Council Chambers of City Hall.

2. ROLL CALL:

Those responding to roll call by City Clerk Coil were: Councilmen Beasley, Miller, Sciarrotta, Vico, and Mayor Isen. Councilman Olson joined the meeting a few minutes later. Councilman Lyman had previously been excused from this meeting as he is out of town. City Attorney Remelmeyer and City Manager Ferraro were also present.

3. FLAG SALUTE:

At the request of Mayor Isen, Mrs. Velma Shelbourn led the salute to the flag.

4. INVOCATION:

In the absence of the Minister of the Month, City Clerk Coil opened the meeting with an invocation.

STANDARD MOTIONS:

5. DISPENSE WITH REGULAR ORDER OF BUSINESS:

On motion of Councilman Sciarrotta, seconded by Councilman Beasley, the regular order of business was dispensed with so that the Council might consider the items on the agenda for this meeting.

ORAL COMMUNICATIONS:

Councilman Vico reported a bad condition where traffic backs up on Carson Street between Madrid Avenue and Crenshaw Boulevard. Mayor Isen also said the owner of the building in which he has offices has complained that Torrance Boulevard in the vicinity of Cota Avenue is not marked for parking spaces. City Manager Ferraro will check these two items.

City Engineer/Street Superintendent Nollac reported verbal approval has been given on the 190th Street project from Crenshaw to Van Ness. When written confirmation is received, the City can go to bid.

6. CERTIFICATION AND APPOINTMENT OF ELIGIBLES - RULE OF THREE.

Mayor Isen announced this adjourned regular meeting was scheduled at the request of Mr. Sam Hunegs, Director of the Council No. 20 of American Federation of State, County and Municipal Employees and he invited Mr. Hunegs to speak.

An opinion dated December 28, 1965, No. 65-82, was distributed to the councilmen by the City Attorney to the effect, as to the garage matter, that the City Manager's office has not violated the Rule of Three.

There was discussion in answer to a question by Mayor Isen, as to the possible remedy in case it was determined that the man chosen was not appointed on the basis of merit and fitness. City Attorney Remelmeyer said the Council could on its own motion start procedure for the passage of an ordinance to change the existing Civil Service system so selection would be assured on the basis of merit and fitness. Mr. Hunegs contends that the remedy is inherent in the system as it now exists, and that there is no such thing as the "rule of three".

City Attorney Remelmeyer's opinion is that the Council makes the rules; it can inquire into a particular case to change the rules, but it does not have the right to direct the City Manager, or anyone under him, to appoint a particular man or to desist from doing so.

The examination for Garage Foreman was administered by the Personnel Department under the supervision of the Civil Service Commission and was written by Griffenhagen Kroeger. The oral interview was also administered by the Personnel Department.

Mr. Hunegs read excerpts from the Charter of the City of Torrance and the Civil Service Ordinance and asked City Manager Ferraro if he personally interviewed, or examined the scores, of any of the three employees. Mr. Ferraro answered that after receiving a telephone call from Mr. Hunegs advising him there should be no hesitation in appointing the man who was first on the list, he consulted with the Personnel Director, and Garage Superintendent and instructed the latter to interview the candidates who were on the list and make an appointment for confirmation of Management. The probationary period provides a means by which it can be determined if the appointment should stand.

Councilman Sciarrotta believed there should be some reason given in case the first, or even the second man on the list, is not appointed.

City Manager Ferraro said to do otherwise than permit the Department Head freedom in selection would be to negate the entire system of delegation of authority. There is no obligation to appoint the first person on any list. Personnel records show that within the last five years, sixty seven persons have been appointed who were not first on their respective classification lists.

* * * * *

The appointed time having arrived, Councilman Beasley moved to recess in order to hold the meeting of the Redevelopment Agency. His motion was seconded by Councilman Miller and carried by unanimous roll call vote of those present (Councilman Lyman absent).

The Council returned to its deliberations at 4:46 p.m.

* * * * *

There was a question presented by Mr. Hunegs as to whether or not the man who was appointed was eligible to take the examination based on his length of service with the City. The time of employment after "permanent appointment" was the particular point and Personnel Director Donovan told the pertinent dates of employment; completion of probationary period and examination for Garage Foreman: September 21, 1964, March 21, 1965, and August 28, 1965, respectively. Mr. Donovan said the provision has been interpreted as meaning six months from the original appointment. City Attorney Remelmeyer's comment was that administrative interpretation cannot vary the language and he would not like to make a determination without having thoroughly researched the matter. Councilman Miller asked the City Attorney for a definition of the word "probationary" as it would apply in this case.

"Permanent employment" and "permanent appointment" are also words to be scrutinized by City Attorney Remelmeyer as used in this frame of reference in the Code. Any alteration in the rules would apply only as to future operation of the Civil Service system.

Councilman Vico moved to instruct the City Attorney to inquire into the facts and interpret the law as it applies. There were no objections.

Mr. Hunegs said there are other factors to be considered by the Council and which it may, or may not, wish to refer to the City Attorney. He said he had been promised an hour and a half to present this entire case and he would like to be permitted to do so. Mayor Isen told him the one point above is referred to the City Attorney and asked him to proceed with his other points.

Mr. Hunegs read pertinent language from Rule 9, Section 3, setting forth reasons for disqualification which he said had been approved by the Council, and further wording of Rule 5, Section 2. These are rules enacted pursuant to the ordinance, Mr. Remelmeyer said.

Councilman Sciarrotta moved that an explanation be given on Rule 9, Section 3, and after Mr. Hunegs contended that the man chosen does not have the minimum requirements for the job, restated his motion that the City Attorney be given the assignment of examining the application of the person appointed as Garage Foreman, as well as the specifications for the position, to determine if in his opinion, the man was qualified to take the examination and to report back to the Council at 7 p.m. (pre-council) on Tuesday, January 11th, 1966, with a copy of his opinion to be sent to Mr. Hunegs at least two days prior to that time. Councilman Miller seconded and roll call vote was unanimously favorable (Councilman Lyman absent).

City Manager Ferraro believed there had been the implication of collusion and if so, he asked who was implicated. Mayor Isen explained that the issues are clear and stated them to be:

1. Was a person appointed who was not qualified under the rules, as not having worked long enough;
2. Did he have the qualifications for the job as it was advertised, to take the examination;

Councilman Sciarrotta added another:

3. That an explanation of Rule 9, Section 3 should be given.

City Attorney Remelmeyer added:

4. Can the City Manager delegate his duty to make appointments?

6.b. APPEAL FROM FAILURE ON ORAL TEST - PAULINE GREER.

Mr. Hunegs represented Miss Greer and stated her case will be taken up at the next Civil Service Commission for the purpose of establishing her grade after the adjustments made. An appointment has been made with four names on the list: one promotional and three open.

Mayor Isen, Councilman Sciarrotta and Councilman Beasley expressed disapproval of the Civil Service system and administration of the Civil Service ordinance. Councilman Sciarrotta hoped for some relief with the new Civil Service and Councilman Miller thought it was about time that ordinance made its appearance.

Councilman Beasley moved to refer this item back to the Civil Service Commission to establish Miss Greer's rating. Councilman Vico seconded and roll call vote was unanimously favorable (Councilman Lyman absent).

Mayor Isen moved to request Management to re-evaluate the list when the rating has been established and report back to the Council. City Attorney Remelmeyer said the motion was not necessary in that such action would necessarily follow.

City Manager Ferraro commented briefly on the alleged transcript of the oral board examination in Miss Greer's case. The Council, he said, can only assume that the questions listed were those asked. There is no record of any kind made of oral examinations and although the document which purports to be a transcript came with regular agenda material, it could only be a resume of the interview prepared from the memory of the applicant. There has been no opportunity to inquire of the oral board as to the authenticity of that resume.

6.c. MR. AL KOVACH'S PRESENTATION.

An item not listed on the agenda was permitted to come to the Council's attention.

Mr. Kovach said while he was acting as Traffic Engineer he had prepared specifications for a position of Assistant Traffic Engineer, which specifications were later changed so that he would not qualify to take the examination. The Council was later asked to approve his taking the examination although he does not meet the specifications and it did so. City Manager Ferraro confirmed that he is to be permitted to take the examination.

Mayor Isen said to avert the possibility of his taking the examination and then not being considered for the position of Traffic Engineer Assistant, the proper ordinances or specifications should be amended, so that Mr. Kovach, without prejudice, can take the examination on an equal basis. Councilman Sciarrotta seconded and roll call vote was unanimously favorable (Councilman Lyman absent).

The examination has been postponed three weeks and City Attorney Remelmeyer said this would allow ample time. Mayor Isen confirmed to Mr. Kovach that he will legally be permitted to take the examination for the position for which he has applied, under protest. Mayor Isen answered a question by City Engineer/Street Superintendent Nollac, to the effect that "anyone else in his category" (speaking of Mr. Kovach) would also be permitted to take the examination.

City Manager Ferraro asked Mr. Kovach why he had thought it necessary to take this up with the Council under the circumstances. Mr. Kovach answered that he needed clarification. The matter now is clear.

The meeting was adjourned at 6 p.m.

APPROVED:

Albert Isen
Mayor of the City of Torrance

Vernon W. Coil
Vernon W. Coil, Clerk of the
City of Torrance, California

Edith Shaffer
Minute Secretary

4.

Council Minutes
December 28, 1965