

I N D E XCity Council - Adjourned Regular Meeting - April 28, 1969

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Adjourned at 5:50 P.M. to Tuesday, April 29, 1969, 4 P.M.

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Ava Cripe
Minute Secretary

Council Minutes
Adjourned Regular Meeting
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April 28, 1969

MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in an adjourned regular meeting on Monday, April 28, 1969, at 4:30 P.M. in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Responding to roll call by City Clerk Coil were: Councilmen Beasley, Johnson, Miller, Sciarrotta, Uerkwitz, Wilson, and Mayor Isen. Absent: None.

Also present: City Manager Ferraro, City Attorney Remelmeyer, and City Clerk Coil.

3. FLAG SALUTE:

At the request of Mayor Isen, Sr. Recreation Supervisor Edith Simpelaar led in the salute to the flag.

4. INVOCATION:

The invocation was given by Reverend Daniel B. Weaver, Del Amo Southern Baptist Church.

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7. RESOLUTION welcoming the Hampton Players to the City of Torrance.

At the request of Mayor Isen, City Clerk Coil assigned a number and read title to:

RESOLUTION NO. 69-79

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE WELCOMING THE HAMPTON
PLAYERS TO THE CITY OF TORRANCE.

Mayor Isen moved for the adoption of Resolution No. 69-79. His motion, seconded by Councilman Sciarrotta, was unanimously approved by roll call vote.

6. Proposed Employee Relations Ordinance with letter from Civil Service Commission, City Manager, Memorandum of Understanding, Proposed Amendment, Copy of Senate Bill 1228 and Arguments on Amendments.

A "Memorandum of Understanding" dated April 25, 1969 was distributed by City Manager Ferraro for incorporation in the

in the material before the Council on this subject. It was the comment of City Attorney Remelmeyer that he had not previously seen this letter, and he would have some reservations concerning the use of municipal funds for this purpose, recommending that it be checked out.

Discussion was then undertaken on the points in need of clarification and agreement:

Page 3 (Sr. Administrative Assistant Jackson's letter of April 17th): That the word "negotiate" be defined as meaning the same as "meet and confer in good faith" and be used in place of this phrase wherever possible.

The pros and cons of appropriate terminology were considered. Mr. Sam Hunegs, Local #1117, read from the Employees Relation Ordinance for Los Angeles County and the report from the consultants committee re: treatment of public employees wherein the words "collective negotiations" are used; this would be his choice. Lieutenant Oates, Torrance Police Officers Association, urged that the word "negotiate" be incorporated.

Councilman Johnson pointed out the language of the State legislation which states "to meet and confer in good faith"; to use any other language than that which is in the bill could pose problems; were the word "negotiate" later added then this could be so changed. Mayor Isen was in agreement that the State Act should be followed.

It was MOVED by Councilman Beasley that the words "collective negotiations", meaning "to meet and confer in good faith", be used in the ordinance. The motion was seconded by Councilman Sciarrotta.

Prior to roll call vote on the motion, City Manager Ferraro explained that Section N (Page 4, pink ordinance) follows almost identical to the bill with the exception that it furnishes some needed clarification and is superior to the bill.

Following a lengthy discussion, objections were withdrawn by the representatives for the employee groups.

A SUBSTITUTE MOTION was made by Councilman Johnson: That the Council accept Section N as constituted in the pink ordinance. His motion was seconded by Councilman Miller.

Prior to roll call vote on the motion, it was the comment of City Attorney Remelmeyer that it should not be assumed that he has concurred in this; believing that the Council does not have any authority to change the wording of a State statute unless the Legislature so provides; these words are defined by the Legislature.

Councilman Johnson stated that his motion would stand; should the City Attorney find something else should be done, reconsideration would be in order.

The substitute motion carried, with roll call vote as follows:

AYES: COUNCILMEN: Johnson, Miller, Uerkwitz, Wilson,
and Mayor Isen.

NOES: COUNCILMEN: Beasley, Sciarrotta.

Next discussed was the amendment to the Memorandum of Understanding (dated 4/25/69) requested by the TPOA: "In addition, any recognized employee organization shall be allowed 1 additional day per month for each 50 members or major portion thereof over 150 members."

Lieutenant Oates clarified the circumstances surrounding the TPOA request -- Police personnel have problems far different than those of the other employees, adding that the greatest burden that's ever faced this nation is presently on the shoulders of law enforcement. The TPOA has been a leader in effecting valuable legislation, Lieutenant Oates continued; they have handled their own problems, and (although TPOA is a member) PORAC has not spoken for them.

Discussion followed, with it being generally noted by the Council that there is some ambiguity to the request, the great progress already made by TPOA, as well as some of the pitfalls of ardent enthusiasm; it was suggested that in cases where the TPOA disagrees with PORAC that they go out on their own; otherwise let PORAC serve as spokesman.

City Attorney Remelmeyer noted that there is grave doubt as to the authority of the City Council to pay an employee of the City who is not on City business but who is on business of representing an employee organization.

Councilman Johnson stated that it is a common practice in most major industries to permit employees to have this type of time off; he feels to permit the leaders of bona fide organizations reasonable time off to take care of their organization's business without loss of salary (not to pay expenses elsewhere, however) has merit.

TCEA representative, Mr. John Kirkpatrick, outlined the extensive efforts of all interested parties in the preparation of the subject pink ordinance and the many, many hours of discussion represented thereby. The Memorandum of Understanding, likewise lengthily prepared, represents agreement of all parties on the 25-page pink document -- Mr. Kirkpatrick urged that the Council bear this in mind and not throw the entire matter out because of this requested amendment.

Officer Phillip Joseph, president of the Torrance Police Officers Association, concurred with Mr. Kirkpatrick on the accomplishment represented by the subject ordinance, labelling it a great piece of work, but he feels that appropriate time off for the Police Department will only serve to enhance the professionalism of policemen.

It was agreed, following much discussion, that in the forthcoming year that when it is felt there is a worthwhile cause, that the cause be defined to the Council and permission for time off with pay be requested of the Council for their action. It was recommended by Mayor Isen that the additional sentence on b) (per Memorandum of Understanding of April 25, 1969) requested by the TPOA be deleted; that the request be tried on an informal basis as above outlined.

It was then determined that such a procedure is correctly covered in the pink ordinance (Page 19, Sec. 14.8.16, Item (b)).

Further noted was the need for an Emergency Ordinance, in that present salary negotiations presently in progress cannot be continued without its adoption.

Lieutenant Oates at this point requested that the Council and the employee organizations go into mediation on the b) amendment, which is not in agreement, but that the Memo of Understanding (minus the bottom section) and the pink ordinance be adopted, in fairness to other employees and management; TPOA does not wish to cause this type of a problem.

At the request of Mayor Isen, City Clerk Coil was directed to give the ordinance a number, as an emergency ordinance, and read title thereto:

ORDINANCE NO. 1972

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF TORRANCE REPEALING ARTICLE 38
OF CHAPTER 4 OF DIVISION 1, AND AMENDING
CHAPTER 4 OF DIVISION 1 OF THE TORRANCE
MUNICIPAL CODE TO ADD ARTICLE 8 WHICH
CONSISTS OF THE RULES AND REGULATIONS
RELATING TO EMPLOYER-EMPLOYEE RELATIONS
AND DECLARING THE PRESENCE OF AN EMERGENCY..

Councilman Sciarrotta moved that further reading of Emergency Ordinance No. 1972 be waived. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

Councilman Sciarrotta moved for the adoption of Emergency Ordinance No. 1972.. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

It was the comment of Councilman Johnson that his "yes" was a reluctant one -- the Mayor's suggestion re: Council approval of time off may work, but he would prefer that it be in the Memorandum of Understanding.

Mr. Hunegs commended the action taken and the nationwide benefit represented thereby.

5. ORDINANCE adding Article 41 to Chapter 4, Division 1, of the Code regulating transfers and reassignments, together with a minority report.

John Kirkpatrick commented that he felt it appropriate to meet and confer with management on this item. There were no objections to this request, it being noted that Councilman Miller had evidenced interest in review as well.

MOTION: Councilman Beasley moved that the subject Ordinance be referred to management for the purpose of meeting and conferring in good faith. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

ORAL COMMUNICATIONS:

8. Lieutenant Oates reiterated his request to go to mediation on the amendment to section b), Memorandum of Understanding, on which agreement was not reached. It was decided that the manner proposed in the action taken be given a chance.

Lieutenant Oates then requested that 72 hours of work time be allowed him and the TPOA president to attend the Board of Directors meeting of the Peace Officers Research Association of California on May 3, 4, and 5th in Sacramento. It was agreed that this request should come to the Council by way of the Chief, and administration.

At 5:50 P.M. Councilman Uerkwitz moved to adjourn to Tuesday, April 29, 1969, at 4:00 P.M. His motion was seconded by Councilman Johnson, and unanimously approved by roll call vote.

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Ava Cripe
Minute Secretary

5. Council Minutes
Adjourned Regular Meeting
April 28, 1969

Vernon W. Coil

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

APPROVED:

Albert Isaac

Mayor of the City of Torrance

