



Date: January 14, 2025

To: Honorable Mayor and Members of the City Council

From: Aram Chaparyan, City Manager

By: Brianne Cohen, Civil Service Manager | BCohen@TorranceCA.Gov

Subject: City Manager – Conduct Closed Hearing on the Appeal of the Civil Service Commission Decision Sustaining the Termination of a Police Officer (11). Confidential under Penal Code 832.7 and Copley Press v. Superior Court 39 Cal. 4th 1272 (2006). Consideration of public employee discipline will be conducted in closed session per California Government Code Section 54957(b)(1), unless the employee requests to have the appeal conducted in public session. The deliberation of this matter by the City Council will occur in closed session. Expenditure: None.

RECOMMENDATION

Recommendation of the City Manager that City Council conduct a closed hearing to consider an appeal of the Civil Service Commission's decision sustaining the termination of a Police Officer (11), unless the employee requests to have the hearing in public session and that the City Council's deliberation of this matter shall occur in closed session.

FUNDING

None required.

DISCUSSION

The hearing in the appeal of the termination of a Police Officer (11) was heard before a hearing officer, as delegated by the Civil Service Commission on March 13, 2023. The hearing officer heard the matter March 25-27, 2024, and submitted their findings on September 22, 2024. On October 7, 2024, the Commission formally adopted their decision to sustain the termination. On October 17, 2024, the appellant's attorney filed a timely appeal of the Civil Service Commission's decision.

Under the provisions of Torrance Municipal Code Section 14.47.13, an appeal to your Honorable Body must be filed within 10 days of the Commission's decision. The Appellant filed a timely appeal of the Commission's decision. At the City Council meeting on November 19, 2024, your Honorable Body set the date of January 14, 2025, on which to hold the hearing to review the Civil Service Commission's decision in this matter.

The record on appeal, including the transcripts of the Civil Service Commission and hearing held before the hearing officer; the exhibits submitted; the Findings of Fact and Conclusions of Law and Orders issued by the Commission; and the Appellant's and Respondent's Written Briefs to City Council were distributed to your Honorable Body for your study prior to hearing oral arguments.

In hearing this appeal your Honorable Body has several options available:

1. Return the matter to the Civil Service Commission if you find their decision was not supported by substantial evidence or that new evidence has been discovered which could not have been presented by the exercise of due diligence at the original hearing; or
2. Affirm the decision of the Civil Service Commission; or
3. Affirm the decision of the Civil Service Commission as to the charges but reduce the penalty. The City Council may reduce the imposed discipline of dismissal to a suspension of not to exceed sixty (60) days. However, in no case may the City Council increase any penalty imposed by the Commission; or
4. Reverse in whole or in part the Civil Service Commission's decision as to the charges. The City Council may reduce the imposed discipline of dismissal to a suspension of not to exceed sixty (60) days. However, in no case may the City Council increase any penalty imposed by the Commission.

ATTACHMENT

1. Torrance Municipal Code Section 14.47.13 – Appeal to City Council
Torrance Municipal Code Section 14.47.14 – Record on Appeal
Torrance Municipal Code Section 14.47.15 – Newly Discovered Evidence

14.47.13 APPEAL TO CITY COUNCIL.

Upon written appeal to the City Council filed with the City Clerk within ten (10) days of the decision of the Civil Service Commission, a hearing shall be conducted pursuant to the provisions of Section [14.47.14](#), before the City Council at the earliest reasonable time as is consistent with the City Council's agenda. The appealing and responding parties may be present at the Council hearing and may present written and oral arguments in their favor, and answer any questions from the members of the City Council.

14.47.14 RECORD ON APPEAL.

a) The City Council may uphold or reverse in whole or in part the decision of the Civil Service Commission; provided, however, that in no case may the City Council increase any penalty imposed by the Commission. The City Council may reduce a dismissal to a suspension of not to exceed sixty (60) days.

b) The City Council's deliberations shall be limited to a review of the record on appeal. The record on appeal shall consist only of the following:

- 1) The written charges, if any, against the employee and his answer, if any;
- 2) The transcript of the hearing, or any part thereof (if all interested parties so stipulate, the partial transcript shall be sufficient);
- 3) All other minutes of the Commission and the hearing officer, if any, relating to the matter;
- 4) Any exhibits admitted into evidence at the hearing;
- 5) Any memoranda of law submitted to the officer or to the Commission;
- 6) The decision of the Commission, including its findings of fact and conclusions of law and recommendations, if any;
- 7) The written exceptions of the parties.

c) In all cases, the City Council shall be bound by the findings of fact of the Civil Service Commission, unless in the opinion of the Council there is no substantial evidence to support the Commission's decisions. In the event that there is no substantial evidence to support the Commission's decision, the case shall be returned to the Commission for additional proceedings.

d) Any decision of the City Council to reverse or modify a decision of the Commission shall not be effective unless made by a majority vote of the entire membership of the Council.

14.47.15 NEWLY DISCOVERED EVIDENCE.

No evidence not previously submitted and received into evidence by the Civil Service Commission or hearing officer may be considered by the City Council. Upon a showing to the satisfaction of the Council that new and substantial evidence has been discovered which, with the use of due diligence could not reasonably be expected to have been presented at the hearing before the Commission, Committee of the Civil Service Commission or hearing officer, the Council, at its discretion, shall return the matter to the Commission, Committee of the Civil Service Commission or hearing officer to hear such evidence and for further review.