Council Meeting of
July 22, 2008

Honorable Mayor and Members
Of the City Council
City Hall
Torrance, California

**Members of the Council:**

SUBJECT: **City Manager - Conduct a hearing on the appeal of the Civil Service Commission decision sustaining the termination of Russell Halleen, and the deliberation of this matter shall occur in Executive Session. (Hearing may occur in executive session per Government Code Section 54957)**

## RECOMMENDATION:

Recommendation of the City Manager that City Council conduct a hearing on the appeal of the Civil Service Commission decision sustaining the termination of Russell Halleen, and the deliberation of this matter shall occur in Executive Session.

Funding:

Not applicable.

## BACKGROUND:

The Hearing in the appeal of termination of Russell Halleen commenced before the Civil Service Commission on October 11, 2004. Due to vacancies on the Commission and problems with availability of the parties involved, the matter was ultimately delegated to be heard before a hearing officer. Hearings before the Hearing Officer were conducted on April 12, October 17, and October 18, 2007. The Hearing Officer submitted his Findings of Fact, Conclusions, and Recommendation in December of 2007. On March 10, 2008, the Civil Service Commission conducted a closed session to deliberate on the matter and voted unanimously to accept the Hearing Officer's recommendation to sustain the termination of Russell Halleen. On March 24, 2008, the Commission formally adopted their decision to accept in whole the Findings of Fact, Conclusions, and Recommendation of the Hearing Officer.

**ANALYSIS:**

Under the provisions of the Municipal Code (Section 14.47.13) an employee has ten (10) days in which to file an appeal of the Commission's decision with your Honorable Body. The employee filed a timely appeal and a hearing is set for tonight's meeting.

Copies of the minutes and transcripts, all documents and exhibits admitted into evidence and the Findings of Fact and Conclusions of Law of the Commission were distributed to your Honorable Body on July 2, 2008 for your study prior to hearing oral arguments.

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

1. Affirm the decision of the Civil Service Commission.

2. Affirm the decision of the Civil Service Commission but reduce the penalty.

3. Reverse in whole or in part the Commission's decision and reduce the penalty appropriately.

4. 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.

Respectfully submitted,

LEROY JACKSON
City Manager

By Laura J. Lohnes
Acting Civil Service Manager

CONCUR:

LeRoy Jackson
City Manager