

Council Meeting of  
March 8, 2011

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 Armando Trejo, 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 Armando Trejo, and the deliberation of this matter shall occur in executive Session.

**Funding:**

Not applicable.

**BACKGROUND:**

The Hearing in the appeal of termination of Armando Trejo (Appellant) was held before the Civil Service Commission on January 31, 2011. On February 14, 2011, the Commission formally adopted their decision to sustain the termination of Armando Trejo. On February 17, 2011, the Appellant filed an appeal of the Civil Service Commission's decision. Civil Service contacted the Appellant and the City Attorney to schedule the appeal hearing before the City Council.

**ANALYSIS:**

Under the provisions of the Municipal Code (Section 14.47.13) an appeal to the City Council must be filed within ten days of the Commission's decision. The Appellant filed a timely appeal of the Commission's decision and on March 1, 2011, your Honorable Body set the date of March 8, 2011 on which to hold the hearing to review the Civil Service Commission's decision in this matter.

The record on appeal, including the transcript, 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 March 2, 2011 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  
Civil Service Manager

CONCUR:

  
LeRoy Jackson  
City Manager

March 8, 2011

STATEMENT OF MAYOR

Hearing Before the  
City Council:

Appeal of termination of Armando Trejo:

This is the time, date and place to hear the appeal by Armando Trejo of the Civil Service Commission decision to sustain his termination.

Who will represent the City? [Ms. Gillian Studwell]

Who will represent the Appellant tonight? [the Appellant will be representing himself]

California Government Code Section 54957 provides that consideration of Public Employee Discipline may be conducted in a closed session. Mr. Trejo received notice of his right to have this hearing in an open session. It is my understanding that Mr. Trejo has requested a closed hearing. Is that correct?

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Armando Trejo, who was terminated for misconduct, requested and received a hearing before the Civil Service Commission, which was held on January 31, 2011. On February 14, 20011, the Commission adopted in whole the Findings of Fact and Conclusions of Law and recommendation, which are included in the record before us.

During the hearing tonight, no new evidence may be heard by the City Council. The hearing will be held only on the record from the Civil Service Commission hearing and on the oral arguments of the representatives.

Each of the members of the Council has been furnished with a complete copy of the administrative record of this matter, and my understanding is that every member of the Council has had an opportunity to review the record, including the transcript. (PAUSE)



(IF ANY MEMBER STATES THAT HE HAS NOT HAD AN OPPORTUNITY TO REVIEW IT, THE MAYOR SHOULD SAY:  
“Every member of the council should be given a chance to review the entire record before commencing the hearing. Therefore, I will entertain a motion that we take a recess for this purpose and will convene again, at which time the arguments will begin.”)

In accordance with the recommendation of the City’s attorney, I suggest the following procedure:

1. Mr. Trejo will argue first, for 15 minutes or less.
2. Ms. Studwell will then argue for 15 minutes or less.
3. Mr. Trejo will then have 10 minutes to reply to the City’s argument.
4. Finally, Ms. Studwell will have 10 minutes to rebut any new arguments raised in Mr. Trejo’s reply.

Does this procedure meet with the approval of the Council? Does it meet with the approval of the representatives?

(END OF MAYOR’S STATEMENT)

- o CONDUCT THE HEARING. PARTIES PRESENT ARGUMENTS
- o ADJOURN TO EXECUTIVE SESSION TO DELIBERATE
- o ANNOUNCE DECISION AND REPORT THE VOTE  
(Legal Counsel for the Commission. Della Thompson-Bell will be sitting with the Council on this agenda item. The Mayor can request that Ms. Thompson-Bell announce the City Council’s decision and the vote.)