

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, February 28, 2012 at 6:00 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD
TRINIDAD, COLORADO

SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Tuesday, February 28, 2012 at 6:00 p.m. in the Council Chambers at City Hall

The following item is on file for consideration of City Council:

1) Removal of City Manager

The meeting was called to order at 6:00 p.m.

There were present:	Mayor	Rino, presiding
	Councilmembers	Baca Gonzalez, Bolton, Bonato, Pando, Shew, Velasquez
Also present:	City Manager	Gil de Rubio
	City Attorney	Beatty
	City Clerk	Garrett

The pledge of allegiance was recited.

Removal of City Manager. Mayor Rino stated the special meeting was for the consideration of removal of the City Manager. He noted for the record that all members of Council were present and asked if there was any objection to consideration of this agenda item by Council. Councilmember Baca Gonzalez announced her objection. She explained that she was concerned that they will be in violation of Section 5.16 of the Home Rule Charter and of Article 2, Section X of the Colorado Constitution if they don't permit public comment at this special meeting. She said she was surprised and dismayed that the City Manager has been targeted for removal. She said she believed the proposed action to remove him was hasty and not well thought out. Councilmember Baca Gonzalez said she is very concerned that if City Council proceeds with firing the City Manager this Council will expose the City of Trinidad and its taxpayers to needless, costly legal liability. She said they are treading on issues that implicate constitutional protections and protections imposed by Federal laws. This Council cannot terminate an employee for an illegal reason. The issues at stake are broader than the language of the Trinidad Home Rule Charter, the Trinidad Municipal Code and the employment contract at issue. She opined that Councilmember Bonato has not had sufficient time to form a creditable opinion about the job performance of the City Manager. He was sworn into office on January 3, 2012. From that date until the day he signed the letter calling for the special meeting equaled 52 calendar days he has served on this City Council. She said she believes such a short period of time did not give Councilmember Bonato sufficient time to judge the City Manager's performance in a manner that is fundamentally fair. Councilmember Baca Gonzalez told Councilmember Pando, with all due respect, that she believes he is upset with the City Manager because he thinks the City Manager is partially responsible for the recall effort and the resulting dilemma he is facing with the voters of Trinidad. She continued that she believes at a minimum these circumstances create the appearance that Councilmember Pando has a conflict of interest and she recommended that he recuse himself from any proceedings against the City Manager. Councilmember Baca Gonzalez next told Councilmember Velasquez that without question she believes she should immediately recuse herself from participation in any vote or proceeding against the City Manager. She is a party in an investigation conducted by the Trinidad Police Department in collaboration with another agency of this State. That investigation resulted in charges being filed against her and those matters are still pending in court. The City Manager supervises the Chief of Police. Should Councilmember Velasquez take action against the City Manager, Councilmember Baca Gonzalez said she believed she would expose the City to potential legal liability for illegal retaliation against the City Manager. Finally, she told Mayor Rino that on February 7th he denied allegations that he had four votes to remove the City Manager. Now a mere 20 days later we have a special meeting calling to remove our City Manager. What has changed in 20 days? Is this duplicity or what? She reminded her colleagues that they spent one and one half days on January 18th and February 7th where members of this Council, except Councilmember Velasquez, developed and finalized the evaluation, goals and objectives for 2012 for our City Manager. Only Councilmember Velasquez did not get to participate in that. She told Council that she is extremely frustrated and upset that as a new member of Council she is being denied the opportunity to properly evaluate City Manager Gil de Rubio based upon his performance during 2012. She said she believed it is a left-handed way of saying her opinion, her vote, does not matter. Councilmember Baca Gonzalez pointed out that in November, 2011, a total of 1,254 people put her in this seat and she is certain that they expect her to make fair and informed decisions based upon reasons that are legally defensible. She finally stated she wanted to go on record stating that she believes pursuit of these hasty and ill-advised efforts to remove the City Manager will plunge the City of Trinidad into unnecessary turmoil, will undermine the morale of City employees, will sever Trinidad's efforts toward economic development and will likely result in costly litigation and possible monetary judgment that the taxpayers of Trinidad will have to pay. The taxpayers of Trinidad are already suffering enough from poor decisions by Council in connection with the Arkansas River Power Authority. We do not need to incur additional unnecessary liability. Mayor Rino confirmed she was objecting to the agenda item and called for adjournment. Councilmember Bolton advised she also objected to the agenda item. Councilmember Pando moved to adjourn and the motion was seconded by Councilmember Bonato. Roll call was taken and the following votes were cast:

Aye – Bonato, Pando, Velasquez, Rino
Nay – Baca Gonzalez, Bolton, Shew

Mayor Rino declared the meeting adjourned.

ATTEST:

JOHN RINO, Mayor

AUDRA GARRETT, City Clerk

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3/6/12 Correction to the minutes (Prior to motion to adjourn the meeting):

Councilmember Bolton advised she also had objections to the agenda item. Mayor Rino stated that they had one and that's all they need is one. He again called for a motion to adjourn. Councilmember Pando moved to adjourn and the motion was seconded by Councilmember Bonato. Roll call was taken and the following votes were cast:

Aye - Bonato, Pando, Velasquez, Rino

Nay - Baca Gonzalez, Bolton, Shew

Citizens were not allowed to speak, although several had signed up to do so. Mayor Rino declared the meeting adjourned. *JG*