

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, April 17, 2012 at 7:00 p.m. in City Council Chambers at City Hall.

There were present: Mayor Rino, presiding
Councilmembers Baca Gonzalez, Bolton, Bonato, Pando, Shew, Velasquez

Also present: Acting City Manager/
City Attorney Beatty
City Clerk Garrett

The pledge of allegiance was recited.

READING OF THE MINUTES. Special Meeting of March 13, 2012 and Regular Meeting of March 20, 2012. Councilmember Bolton pointed out that the special meeting minutes of March 13, 2012, had been previously approved at the March 20, 2012, meeting. A motion to approve the March 20, 2012, minutes as submitted was made by Councilmember Shew and seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Terry Sears, resident of Trinidad, addressed Council with an update and to encourage all of those concerned about the Southwest Chief to call or e-mail our State Senators, as there is a resolution working its way through the State Senate to help keep the Southwest Chief going through our City. Mr. Sears next addressed who he identified as the four Council persons recommending the termination of the City Manager. He said they have had time to think about it and take input from the citizens and legal counsel. He said maybe one of the four could be persuaded to be their own person and change their mind. He continued that he noticed this week in the newspaper that our City came out over \$300,000 to the plus in the budget when it was predicted that there would be a \$900,000 shortfall. He opined that this speaks to a good City Manager and good department heads. Mr. Sears added that he has done research on wrongful termination of at-will employees and punitive damages and found that this City and most others don't have an insurance rider for punitive damages to be covered. Such things as bad-faith negotiations, not giving a proper review to that person, violating their contract, violating the City Charter, if retaliation can be proven, if the members did not show proper fiduciary responsibility or if there are violations of the open meetings law, if an employee is wrongfully terminated, Federal laws come into state rather than at-will laws in the state of Colorado. The punitive damages would not be covered and if that comes to pass Mr. Sears said he has a number of people in the City who have pledged funds to him to file suit against the Council persons who voted improperly to dismiss that Manager, to recover the funds personally from those Council members back into the City's coffers. Mr. Sears concluded that they don't have to go down this road and they can change their mind and if they get the proper legal advice he thought that is what they'd do. The business community has expressed complete support of the City Manager and was just getting excited about the new direction the City was taking. The City employees have stopped and told him that he is the only City Manager who ever came and talked to them asking what he could do to make their jobs better. The little things he did right away and the bigger things he started to plan for budgeting. Some people have personal feelings about this. At the very least the four Council persons could have accepted mediation and not slapped the business community in the face. A wrongful termination attorney would have a field day.

D. Lee Phelan addressed Council. He stated that he sent an electronic version of his complaint to the City and asked to be put on the agenda but sees that he was not. He said he anticipated that there would be a time limit and has asked people to sign after him to donate their minutes. Mr. Phelan said his presentation is about nine and one half minutes. Mayor Rino advised that he needed to stick to the three minutes and that Council has a copy of his complaint. Mr. Phelan asked if he had enough people sign in after him to afford the time he needed. Mayor Rino told Mr. Phelan that this is not a Senate hearing it is a City Council meeting. Mayor Rino asked Mr. Phelan to give his three minute presentation. Mr. Phelan said for him to stop midstream would be impossible to present. Mayor Rino told him to get on the agenda for the next meeting and they'll address it then. Mayor Rino called on the next speaker, Steve Bolton. Mr. Bolton said he gave his time to Mr. Phelan and provided no other comment.

Mickey Griego addressed Council. He said that it is a shame that the two newest members to this elected body have spent their entire tenure trying to divide this community to no avail. They have certainly made the City of Trinidad the laughing stock of southeastern Colorado if not the entire state. People, friends, relatives call him on a regular basis and ask 'what the heck are you clowns doing in Trinidad?' He said he has told them that some people need to express themselves, he guesses, and maybe they found out that they don't have the support that they thought they had. He wished everyone the best of luck and God bless.

REPORT BY CITY MANAGER. Special Meeting. Acting City Manager Beatty reminded Council of the special meeting slated for next Tuesday afternoon before the work session for a hearing on the Chamber of Commerce's liquor license application for the Central Park baseball facility seeking to provide alcohol at the Trinidad Triggers' games.

Sales tax. Acting City Manager Beatty told Council that he was very pleased to provide a favorable sales tax report for January, 2012. He advised that sales tax receipts were up 7.9% over January, 2011. February, 2012 was up 20.1% over the sales tax receipts from February, 2011. He said this yields a year-to-date increase of 13.6% over the 2011 figures through February, 2012.

Comcast Cares Day. Acting City Manager Beatty reminded Council that Comcast is holding their annual Comcast Cares cleanup day this Saturday morning at Cimino Park. It will commence at around 9:00 a.m. All community members are welcome and encouraged to attend. He added that Mayor Pro-Tem Franklin Shew and Councilmember Bolton will be there on behalf of the City to provide City representation and general support for Howard Lackey and Comcast in that event.

CML Seminar. Acting City Manager Beatty pointed to an invitation within Council's information items from

Colorado Municipal League advising and inviting them to a rescheduled seminar entitled Effective Governance on Saturday, May 5th. He said all Council members are encouraged to attend and the City will reimburse travel expenses.

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Trinidad Correctional Facility. Acting City Manager Beatty pointed out to Council their invitation to the Trinidad Correctional Facilities' employee appreciation bar-b-que on Friday, May 11th. The celebration is in recognition of their 10 years in operation.

Creative District Designation. Acting City Manager Beatty advised Council that Planning Director Louis Fineberg recently attended a seminar for the (emerging) creative district designation the City received. He deferred to Planning Director Fineberg to provide an overview. Planner Fineberg told Council that he and Welcome Center Director Tara Marshall, Marilyn Leuszler and Joe Tarabino attended the Colorado Creative District Summit last Thursday and Friday. The idea of the summit was to provide a forum to interact with some of the other designated districts to exchange ideas, to come up with ways to further the creative district's designation. There were a lot of creative industry entrepreneurs there sharing some pointers on how to develop the district and how to cater to creative industries. Overall, he said it was a good chance to interact with others in this program and meet the administrator to find out more about the program and how to advance it.

REPORT BY CITY ATTORNEY. City Attorney Beatty covered all items under the City Manager report.

COMMITTEE REPORTS. None.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Special events permit request (malt, vinous and spirituous) by Trinidad State Junior College Educational Foundation at 600 Prospect Street for April 28, 2012 (Scott Gymnasium). Mayor Rino asked if this is for the Foundation dinner. Toni DeAngelis, TSJC Educational Foundation, answered affirmatively. Councilmember Shew moved to grant the permit and Councilmember Bolton seconded the motion. Upon roll call vote, the motion carried unanimously.

Hotel and restaurant liquor license renewal request by Bella Luna, LLC d/b/a Bella Luna Pizzeria at 121 W. Main Street. A motion to approve the license renewal was made by Councilmember Bolton and seconded by Councilmember Baca Gonzalez. The motion carried unanimously upon roll call vote.

Tavern liquor license renewal request by Lumber Jacks Bar & Grill, LLC at 1133 N. Linden Avenue. Councilmember Pando made a motion to approve the tavern license renewal request. Councilmember Shew seconded the motion. Roll call was taken on the motion, which carried unanimously.

Special events permit request (malt, vinous and spirituous) by A. R. Mitchell Museum at 150 E. Main Street for May 5, 2012 (Ranch Romance Show). Councilmember Bolton noted that the application appeared to be in order and moved for the permit's approval. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote of Council.

Special events permit request (malt, vinous and spirituous) by Trinidad-Las Animas County Hispanic Chamber of Commerce at 201 W. Main Street / 206 N. Animas Street for May 5, 2012 (Cinco de Mayo Festival). A motion to approve the permit was made by Councilmember Bonato and seconded by Councilmember Pando. Upon roll call vote, the motion carried unanimously.

New retail liquor store license application filed by RJ Sales, Inc. d/b/a RJ's Discount Liquor at 2132 Freedom Road. Councilmember Shew made a motion to set the application for public hearing at 1:30 p.m. on May 22, 2012. The motion was seconded by Councilmember Baca Gonzalez. Acting City Manager Beatty pointed out that the hearing would be at a special meeting and reminded Council of the requirement to set the tentative neighborhood boundary, which is generally the corporate city limits. Council concurred with setting City limits as the tentative neighborhood boundary, and the motion carried unanimously upon roll call vote.

Re-appointment of City representative to the E-911 Authority Board (Police Chief Charles Glorioso). Councilmember Bolton moved for the re-appointment of Chief Glorioso to the Board. The motion was seconded by Councilmember Baca Gonzalez. Roll call was taken, and the motion carried unanimously.

Resolution of the City of Trinidad supporting a grant application to the Colorado Department of Transportation Enhancement Grant Program to secure funding necessary to implement Priority 2 and Priority 3 of the City of Trinidad Wayfinding Signage Plan. The resolution title was read aloud by Acting City Manager Beatty. Councilmember Baca Gonzalez made a motion to approve the resolution and the motion was seconded by Councilmember Bolton. Roll call was taken and the motion carried unanimously.

RESOLUTION NO. 1386

RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, SUPPORTING A GRANT APPLICATION TO THE COLORADO DEPARTMENT OF TRANSPORTATION ENHANCEMENT GRANT PROGRAM TO SECURE FUNDING NECESSARY TO IMPLEMENT PRIORITY 2 AND PRIORITY 3 OF THE CITY OF TRINIDAD WAYFINDING SIGNAGE PLAN

Letter of support for a regional interpretive signage enhancement grant. Councilmember Baca Gonzalez moved that the letter of support be signed by Council. The motion was seconded by Councilmember Bonato. The motion carried unanimously upon roll call vote.

Consideration of Agreement for Financial Plan, Cost of Service, and Rate Design Study. A motion to approve the

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agreement as presented was made by Councilmember Baca Gonzalez and seconded by Councilmember Shew. The motion carried by a unanimous vote.

Consideration of First Amendment to Facility Use Agreement by and among the City of Trinidad, Trinidad State Junior College and Trinidad School District No. 1. Councilmember Bolton asked if there had been any discussion with the college since Acting City Manager Beatty's letter of March 30th. Acting City Manager Beatty answered the he and Sports & Recreation Superintendent Marty Velasquez and Parks Superintendent Dave Esquibel met with TSJC President Felix Lopez and the college's baseball coach as well as with representatives from Trinidad School District #1, namely Randy Begano, the athletic director, representatives from the Pecos League and from the Chamber of Commerce, who is facilitating the Pecos Leagues efforts locally. He reported that everyone is comfortable with the terms of the First Amendment as proposed. There was additional dialogue on maintenance and they have come to an understanding on how that will be implemented. He added that everyone understood that this foundation agreement expires in August, 2012, and in the event there are issues that arise the parties will have an opportunity to address them in a renewal agreement. Councilmember Bolton asked the status of the improvements to the grandstands, if they would be completed in time. Acting City Manager Beatty stated that the improvements are complete except for some clean up items from the contractor, Blue Diamond Builders. A motion to accept the First Amendment to Facility Use Agreement was made by Councilmember Shew and seconded by Councilmember Baca Gonzalez. Upon roll call vote, the motion carried unanimously.

First reading of an ordinance amending Chapter VII ("Finance and Taxation"), Section 7-47.1, of the Code of the City of Trinidad, Colorado, for the purpose of revising requirements of membership in the Tourism Board of the City of Trinidad, Colorado, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Shew and then read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on May 1, 2012 was made by Councilmember Bonato. The motion was seconded by Councilmember Baca Gonzalez and carried by a unanimous roll call vote.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER VII ("FINANCE AND TAXATION"), SECTION 7-47.1, OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSE OF REVISING REQUIREMENTS OF MEMBERSHIP IN THE TOURISM BOARD OF THE CITY OF TRINIDAD, COLORADO

Consideration of Grant Contract between the City of Trinidad and the Colorado Department of Transportation regarding Pedestrian Infrastructure/ADA Compliance Enhancements to the Corazon de Trinidad Historic District. Councilmember Baca Gonzalez moved to approve the grant contract as presented and Councilmember Bolton seconded the motion. Upon roll call vote the motion carried unanimously.

Consideration of bid results for new police vehicles; Adoption of Obligor Resolution approving and authorizing execution of Government Obligation Contract between the City of Trinidad and First Capital Equipment Leasing Corp. Councilmember Bolton moved to accept the low bid received from Pioneer Motors of Trinidad in the amount of \$132,825 and for the adoption of the Obligor Resolution between First Capital Equipment Leasing Corp. and the City of Trinidad, Colorado, approving and authorizing execution and delivery of the Government Obligation Contract and any related documentation. The motion was seconded by Councilmember Baca Gonzalez and carried by a unanimous roll call vote.

Consideration of proposed lease agreement between the City of Trinidad and B & G, Inc. for the operation of the Trinidad Municipal Golf Course Clubhouse. Councilmember Baca Gonzalez called for a point of order. She advised Council that she is related to Mr. Bueno and in accordance with Section 5.3 of the Home Rule Charter she didn't want to do anything with even an appearance of impropriety. She clarified that she has no interest in the business but since they are related she asked that Council agree for her to abstain from this item. Mayor Rino opined that it doesn't constitute a conflict because she isn't receiving any funds through this action, but said it was okay if she wished to abstain. A motion to accept the lease agreement was made by Councilmember Shew, adding that he thought it to be a good deal. Councilmember Bolton asked Acting City Manager Beatty if there were any changes to the agreement other than the name of the lessee. Acting City Manager Beatty answered there was only very minor clean up changes; nothing substantive other than the name of the leasing entity, which is B & G, Incorporated. Mr. Bueno and Mr. Griego would each be 50% shareholders of the new S Corporation. Councilmember Bolton seconded the motion to accept the lease agreement. Roll call was taken, and the motion carried unanimously, excepting Councilmember Baca Gonzalez who abstained.

Action on procedures for hearing requested by City Manager pursuant to Chapter VI, Section 6.2, of the Home Rule Charter for the City of Trinidad, including setting a hearing date. Mayor Rino provided comment that he felt this has gone on long enough, with probably the entire month having been set aside. They need an up or down vote to retain or dismiss the City Manager. It is time to have the hearing. He added that he thought they can get back on track which ever direction they go, but that it needs to be done and doesn't need to be delayed any further. Mayor Rino concluded that he thinks it is important that Trinidad gets on with it, that they proceed with whatever action they are going to take and that they have closure on this one way or the other. Councilmember Pando moved to set the hearing for May 1st for the dismissal of Ed Gil de Rubio as City Manager. Councilmember Bolton asked if that includes setting the public hearing on the written allegations for such termination. Councilmember Pando answered that he made his motion and Mayor Rino added that it has nothing to do with the written allegations. Councilmember Bolton argued that it does and referred to Section 6.2 of the Home Rule Charter. Mayor Rino said they can include it. He said he thought they had already submitted the written allegations. Councilmember Bolton pointed out that there's been no hearing on those. Councilmember Bonato seconded the motion. Acting City Manager Beatty clarified the motion on the floor that a hearing be scheduled regarding... Mayor Rino interjected that it be for both the allegations and (dismissal)... Acting City Manager Beatty announced the hearing date as Tuesday, May 1st. Councilmember Bolton asked the status of the investigation. Acting City Manager Beatty said he had a conference call with the investigator and appointed counsel this afternoon and the investigation is in the final stretch. It appears there is one area where some additional follow up may need to be conducted but the investigator and appointed counsel indicated that the investigation will certainly be done by May 1st and an executive summary report will be provided to Council prior to that date. Mayor Rino said that if the investigation is not completed they could delay the hearing until it

is completed. Councilmember Baca Gonzalez questioned the letter just received today. Acting City Manager Beatty confirmed that it was just received this afternoon. Councilmember Baca Gonzalez stated the letter is from Mr. Malone who represents Mr. Gil de Rubio. He appears to be stating that he has another commitment and wouldn't be able to attend on May 1st. The letters also states that on May 15th Mr. Gil de Rubio is unavailable because apparently his daughter is graduating from the University of Rhode Island in Kingston. He points out that these arrangements were made long ago and cannot be changed. Mr. Malone is proposing the earliest hearing date be May 29th. Councilmember Baca Gonzalez said she thought it would behoove Council to ensure they've provided a window of opportunity wherein they can schedule this and since the investigation hasn't been complete she really didn't see the rush to set it for May 1st. Mayor Rino said it is up to Council to set the hearing date and it has been through motion. The letter was just received today and if they thought it was such an important thing they could have notified Council long ago as to their plans. They've had plenty of time. He concluded that he thought it to be a delay tactic and that he thought they needed to go on with it. Roll call was taken and the motion carried by majority vote with the following votes being cast:

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

Consideration of City Manager request for appointment of special counsel. Councilmember Baca Gonzalez moved for the approval of appointment of special counsel to assist Mr. Ed Gil de Rubio in the matter involving the dispute between the City of Trinidad and Mr. Ed Gil de Rubio. Councilmember Bolton seconded the motion. Roll call was taken and the motion failed with the following votes being cast:

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

Consideration of Code of Ethics violation allegation. Acting City Manager Beatty advised that a complaint was filed with the City alleging violations of the City of Trinidad Code of Conduct and Code of Ethics. A copy has been provided to the alleged violators. It is right for the City Council's consideration should they desire to consider the complaint. Pursuant to Section 2-71(7) of the Code of the City of Trinidad the City Council as the Board of Ethics is charged with evaluating the complaint. At this stage of the process, Council has two general options. The first, if the Board of Ethics determines that the complaint doesn't allege facts sufficient to constitute a violation of the Code of Ethics, they shall dismiss the complaint and notify the complainant and the accused. As a component, although not necessary, if the Board of Ethics determines the complaint was brought for harassment purposes they shall so state. Alternatively, the Board of Ethics may cause an investigation to be made of the circumstances concerning the alleged violations. The investigation shall be conducted by an impartial investigator engaged by the Board of Ethics. Before invoking its investigatory powers the Board of Ethics shall approve a motion which shall state the nature and purpose of the investigation, the actions or activities to be investigated and the persons who are the subject of the investigation. Mayor Rino asked the recommendation of the attorneys. Acting City Manager Beatty answered that appointed legal counsel provided a legal opinion as to the complaints alleged. Mayor Rino asked if he was correct that they recommended dismissal. Acting City Manager Beatty answered that was correct. Councilmember Baca Gonzalez noted that Council has final decision as they are the body and in reading through the letter it appears outside counsel has pointed to there being insufficient facts alleged in the complaint. She asked if this is dismissed, if there is a prejudice or a bar from the individual re-filing, assuming they can form facts alleging a violation of the ethics code. Acting City Manager Beatty answered that the City's Code of Conduct and Code of Ethics does not really address whether it would be dismissed with or without prejudice. Councilmember Baca Gonzalez asked if absent the direct denial of the right to re-file, it should be extended to any citizen who is considering a complaint. Acting City Manager Beatty answered that he thought that to be fair. Councilmember Bolton asked how Council finds out if the allegations are true or false without an investigation. Mayor Rino asked how someone can put something in writing when they don't have the facts. If they had the facts, they would have put them down. The facts are completely vague – there's nothing there. How can you have a violation in ethics when they just put the names of individuals down? Councilmember Pando asked if the person who initiated the complaint was present. Peggy Westmoreland addressed Council, stating she brought the complaint of ethics violations. Councilmember Pando asked for her to respond to something he wished to read to her. He read the definition of verified complaint 'a written complaint containing a statement signed by a person indicating that he or she has personal knowledge of the allegations of the complaint and knows it to be true.' He asked Ms. Westmoreland if she has personal knowledge of the allegations. Ms. Westmoreland answered affirmatively and when asked how, she stated her complaint was that he had not informed City Council that he made a bid on City property as he was supposed to do. The fact that it does not show up in any of the past City Council meeting notes or any of the videos posted on You Tube, is her proof, she said. She elaborated that she cannot prove that he did not do something, but that would be like Councilmember Pando trying to prove he didn't have a twin brother. You can't prove something doesn't exist, you can only prove something does exist. Therefore, the proof that he did ask permission would be on Councilmember Pando and not on her. She said she could not find proof that he asked permission. Ms. Westmoreland noted that Councilmember Baca Gonzalez brought out her relationship with a business owner and said Councilmember Pando should have done that and did not. Councilmember Pando stated that he checked with the City Attorney. He said the Charter states that he can through a bidding process bid on any goods or services for the City. It doesn't state anywhere in the Charter that he has to have a letter asking permission. Ms. Westmoreland argued that he did not need written permission but did need verbal permission, at least that it be brought up in City Council. Councilmember Pando argued that he did not have to. He reiterated that he checked with the City Attorney who told him that he could bid on it, otherwise he would not have done so. Ms. Westmoreland asked if he had proof of that. Councilmember Pando answered affirmatively that it is in the minutes that he gave Council (earlier this evening), everything about the bidding situation. He told Ms. Westmoreland that she's the one that needs to prove it since she's the one making the complaint. He said she needs to have knowledge of what she's accusing him of. Councilmember Bolton commented to Councilmember Pando that he's the one under investigation and not Ms. Westmoreland. Councilmember Pando agreed but pointed out that she has to prove what she says. Ms. Westmoreland said the point that it was not in the City Council minutes tells everybody that it was not addressed. He addressed it privately to the City Attorney but not to City Council, and that's what it states. Councilmember Pando noted that she had about eight other people who signed the complaint and asked if those other people, such as Ms. (Carol) Potter who was in the audience, had personal knowledge of this. He noted she had signed her name to the complaint and named the other people as Carol Potter, Lora Nava, Chevron Galbraith, Jean Crisler, Susan Palmer and John Garduno and two others that were illegible. He asked if those people have personal knowledge. Ms. Westmoreland answered that those people signed in agreement with that letter; she said she wrote the letter. Councilmember Pando said it doesn't meet the definition of a verified complaint. Ms. Westmoreland said it did in her opinion as far as she could understand. Councilmember Pando pointed out that she

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keeps saying he had the lowest bid and that he should have gotten it, but clarified that he had never stated that and that it is in the minutes in June, 2011. It did not state that he should have gotten that bid because he was not the low bidder. He further clarified that he was the second lowest bidder and the person who got the bid was the third highest bidder. Ms. Westmoreland said she understands that the lowest bidder was a contractor that was going to get the carpet from him. Councilmember Pando denied the statement. He asked how she knows he was going to get the carpet from him. Ms. Westmoreland said there should be an investigation to find that out. Councilmember Pando said she should have that and then present her complaint. He said she has her complaint but doesn't even have the data to back it up. He said she should have had it before she submitted the complaint and harassed him the way she has. Ms. Westmoreland told Councilmember Pando that it is not harassment, but rather a complaint and he is a City official and is responsible and will be held accountable. She reiterated that there's nothing in the minutes that states that he asked or that allowed Council to know that he was bidding. She concluded that she is asking for an investigation into this. D. Lee Phelan interjected that Council is trying to hold a hearing without the approval of the Council to hold a hearing. If Council chooses to hold a hearing they should set a date so people will be able to present witnesses and other information would be available at that time and be able to answer questions under examination and cross examination under proper procedure. This badgering back and forth has nothing – Council has the power to either move it forward to a hearing or dismiss it. Mayor Rino noted that Ms. Westmoreland identified names (relative to his complaint) and asked Ms. Westmoreland how she could submit a letter claiming violations of the ethics policy without the right names. Ms. Westmoreland said that was her mistake and that she amended her complaint. Mayor Rino asked what kind of personal problems he has? He said he hasn't spoken to Mr. Marchiol in over four years. He asked if the complaint is relative to the LED lighting. He asked Ms. Westmoreland if Mr. Marchiol belonged to a group that was selling LED lights. Ms. Westmoreland said he knows that. Mayor Rino asked if her complaint is that he had financial interest in LED lighting along with Mr. Marchiol. Ms. Westmoreland asked if he received the amendment, noting that it was personal, it was a personal vendetta. Mayor Rino asked what the personal vendetta was. Ms. Westmoreland said that would be under the investigation. Mayor Rino asked if he doesn't get along with someone in the community... Ms. Westmoreland interrupted that it seems to be personality. Mayor Rino asked if she knows that he voted for everything that C&M Automotive parts is selling to the City. He said his problem was that he wanted the LED lighting to go out for bid, not just a proposal and that's where the argument started. Ms. Westmoreland said that hasn't happened and Council approved the LED lighting. Mayor Rino asked if someone has a personal problem with someone if they can file an ethics charge against them. Ms. Westmoreland answered affirmatively stating that it is because he used it to his own personal advantage. Councilmember Bonato moved that these ethics violations be dismissed. Acting City Manager Beatty stated that as to a vote, since they are alleged against two individuals, he requested they be bifurcated, considered separated with respect to the allegations against Councilmember Pando and Mayor Rino. Councilmember Bolton suggested Council should think about the fact that they will be setting a precedent to either take an ethics complaint and give a thorough investigation or simply say to our citizens that this isn't worth our time. If you read the mission of our own Board of Ethics, it is to assure that the public has confidence in the integrity in all aspects of City government and the public servants that exercise discretionary powers. Councilmember Bonato made a motion that the ethics violation against Councilmember Pando be dismissed because of lack of evidence. Councilmember Velasquez seconded the motion. Councilmember Baca Gonzalez stated that she felt it important to point out that the ethics provisions are read and interpreted by citizens who may have a concern with one or more members of City Council. They are not licensed attorneys and do not know all of the subtleties. Based on the feedback Council received from independent counsel, she said she thought there was a fair argument that additional facts that are relevant to the allegations and concerns should be provided. She encouraged an individual that if they do believe there's been a violation that they need to do some due diligence up front so they can articulate the reasons and the logic and whatever substantive evidence they are able to produce so Council can then proceed to the next stage, which is the investigation. Roll call was had on the motion, and the following votes cast:

Aye – Bonato, Shew, Velasquez, Rino

Nay – Baca Gonzalez, Bolton

Councilmember Pando abstained. Councilmember Baca Gonzalez said in her voting that she voted to the contrary to ensure that the individuals who bring complaints understand and perhaps need to have some dialogue with the City Attorney prior to submitting the documents. Ms. Westmoreland said she tried and he ignored the letter she read in front of City Council a week prior to filing as it was addressed to Mr. Beatty and he ignored it. Councilmember Pando made a motion for the violation against Mayor Rino to be dismissed. Councilmember Velasquez seconded the motion. Roll call was taken and the following votes cast:

Aye – Bonato, Pando, Shew, Velasquez

Nay – Baca Gonzalez, Bolton

Mayor Rino abstained. Councilmember Baca Gonzalez said she can't support the motion and reiterated her previous remarks.

BILLS. Mayor Rino asked for the consideration of the bills presented for the April 3rd meeting as well as the current bills. A motion to approve the bills as presented was made by Councilmember Bolton. The motion was seconded by Councilmember Shew. The motion carried unanimously, excepting Councilmember Baca Gonzalez's abstention from voting on check #39788 payable to her for her expenses to participate in the ARPA mediation this Thursday and Friday.

PAYROLL, March 17, 2012 through March 30, 2012 & March 31, 2012 through April 13, 2012. A motion to approve the payroll was made by Councilmember Bonato and seconded by Councilmember Pando. The motion carried unanimously.

ADJOURNMENT. There being no further business to come before Council, a motion to adjourn the regular meeting was made by Councilmember Bonato and seconded by Councilmember Baca Gonzalez. The meeting was adjourned by unanimous vote of Council.

ATTEST:

JOHN RINO, Mayor

AUDRA GARRETT, City Clerk