

CENTER TOWN BOARD
SPECIAL MEETING – HEARING
FEBRUARY 26, 2025
6:00 P.M.

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

ROLL CALL

Mayor Gallegos	P
Mayor Pro Tem Beiriger	P
Trustee Lopez	P
Trustee Gonzales	P
Trustee Sanchez	P
Trustee Barela	P
Trustee McClure	P

APPROVAL OF AGENDA

A motion to approve the agenda was made by Mayor Pro-Tem Beiriger, seconded by Trustee Sanchez. Roll Call –All in favor. Motion Carries.

A motion to go into the public hearing concerning Trustee Bill McClure and appointing Carle Tarnutzer as the Hearing officer was made by Trustee Lopez, seconded by Trustee Sanchez. Roll Call – All in favor. Motion Carries.

HEARING

Hearing Officer Tarnutzer provided an overview to the Board and citizens concerning the rules of the hearing, with burden of proof, rules of evidence, opening statements, presentation of witnesses and the opportunity to cross-examine witnesses and present evidence. Hearing Officer Tarnutzer explained that she was present to facilitate the presentation of evidence and that the trustees would be voting on the evidence presented at the close of evidence. Prior to voting there would be the opportunity for public comment.

The hearing officer read the presentation of charges into the record, which included the following:
Allegations of misconduct or malfeasance pursuant to Colorado Constitution Article XIII, Section 3 and C.R.S. Section 31-4-307.

WHEREAS the Board of Trustees for Town of Center received a complaint regarding alleged inappropriate and abusive behavior by trustee Bill McClure which occurred on or about November 12, 2024, involving town employee Code Enforcement Officer Orlando Rascon where it is alleged that trustee McClure became verbally aggressive to the town employee and used an ethnic slur to describe persons of Hispanic ethnicity.

WHEREAS the employee’s informal complaint was provided verbally to the Town Board of Trustees by the Public Works Director on November 12, 2024, at the Town Board’s regularly scheduled public

meeting. At the public meeting trustee McClure admitted to the use of the ethnic slur and continued to defend the use of the ethnic slur during the public meeting.

WHEREAS on December 11, 2024, the Town Manager received a formal complaint, dated November 27, 2024, from the Town employee concerning this incident. The written complaint is attached.

WHEREAS the use of the ethnic slur was intended to disparage not only Orlando Rascon, but also the Public Works Director, Jaime Hurtado, who was born in Ciudad Juarez and immigrated and was naturalized as United States citizen,

WHEREAS, since the vote of the Board of Trustees on November 26, 2024 and December 17, 2024, regarding the removal of Mr. McClure, and the claims of discrimination, that Mr. McClure has engaged in retaliatory conduct by harassing these employees by recording them in their workplace, discussing the employment of these employees in the context of Town Board budget discussions, and other acts of intimidation.

WHEREAS Colorado Constitution Article XIII, section 3 and C.R.S. section 31-4-307 provide that the Town Board of Trustees may meet to consider the removal of a trustee for “misconduct or malfeasance.”

WHEREAS the actions of trustee McClure, if sustained, constitute misconduct and/or malfeasance. Furthermore, such behavior may violate and/or expose the town to liability under Title VII of the Civil Rights Act and the Colorado Anti-Discrimination Act, as well as potentially other statutes and constitutional violations and create a hostile, unwelcome work environment to town employees.

WHEREAS notwithstanding the unlawful nature of the behavior under both state and federal employment laws, such behavior, if sustained, is nonetheless inappropriate behavior and constitutes misconduct for any elected official of any municipality within the state of Colorado. The conduct further violates the Town of Center’s Personnel Policies.

That the Board of Trustees for the Town of Center shall convene for a hearing, as required under Colorado Constitution Article XIII, Section 3 and C.R.S. Section 31-4-307. If the trustees find, based upon probabilities rather than possibilities, that trustee McClure committed acts of misconduct or malfeasance, Mr. McClure’s may be removed from office by a majority vote of all members of the Board of Trustees. The Board of Trustees may alternatively consider whether a public censure is appropriate as a remedy, in lieu of removal of trustee McClure from the Board of Trustees.

Trustee McClure said that he would deny parts of the charges.

Attorney Doherty served as special counsel and represented the Town of Center in the proceedings. Trustee McClure proceeded pro se. Both Mr. Doherty and Mr. McClure provided opening statements. Witnesses for the Town included Orlando Rascon- Code Enforcement/Building Inspector, Jaime Hurtado- Public Works Director, Cole Webb – Town Manager. Mr. McClure cross examined the witnesses. Mr. McClure called Paul Lopez – Town Trustee to testify.

Closing arguments were held by both parties.

The Hearing Officer opened up the hearing for members of the public to comment. All persons who asked to speak were permitted to address the trustees. There were a number of statements in favor and also opposed to removal of Trustee McClure.

Note a court reporter was present and provided the official record of the hearing.

At the close of evidence and public comment Attorney Trujillo discussed three possible findings:

1. Insufficient evidence for removal.
2. Censorship – the trustees issue a statement expressing displeasure with trustee McClure’s actions and consider it wrong, but without additional corrective action.
3. Removal based on the charges.

A public discussion among the trustees followed.

A motion to remove Trustee McClure from the Board was made by Trustee Lopez, seconded by Trustee Sanchez. Trustee Lopez moved to remove Trustee McClure as per Colorado Constitution Article 8 section 3, CRS 31-4-307 due to the incident of November 12, 2024 with a finding that trustee McClure was responsible for misconduct by referring to the Town employee in a racial slur while in office and that by his statements he harassed and offended town employees, Roll Call – All in favor, with trustee McClure abstaining. Motion Carries. As a result of the vote, Trustee McClure was removed as a trustee of the Town Board of the Town of Center on February 26, 2025.

ADJOURNMENT

A motion to adjourn the meeting was made by Trustee Lopez, seconded by Mayor Pro-Tem Beiriger. Roll Call – All in favor. Motion Carries.

Submitted by,

Rose Marie DeHerrera – CMC
Town Clerk

Daniel Gallegos
Mayor