

MINUTES OF THE
SANTA FE COUNTY
ETHICS BOARD

May 18, 2017

Santa Fe, New Mexico

This meeting of the Santa Fe County Investment Committee was called to order by Carol Thompson at approximately 2:03 p.m. on the above-cited date in the County Legal Conference Room on the second floor of the County Administrative Building located at 102 Grant Avenue, Santa Fe, NM.

Roll was called and a quorum was indicated with the presence of the following members present:

Members Present:

Carol Thompson
MacKenzie "Mac" Allen
Michael "Rosey" Rosanbalm

Member(s) Excused:

Peter Dodds
Linda Ramos

Staff Present:

Tony Flores, Deputy County Manager
Lisa Katonak, Staff Liaison
Cristella Valdez, Assistant County Attorney

III. Approval of the Agenda

Mr. Allen moved approval and Mr. Rosanbalm seconded. The motion carried by unanimous voice vote.

IV. Approval of Minutes: April 20, 2017

Mr. Allen recalled a discussion of the definition of the word "donor." It was noted that this was, however included in the latest iteration of the ordinance. Mr. Allen moved to approve the minutes. Mr. Rosanbalm seconded and the minutes were unanimously approved.

SFC CLERK RECORDED 07/19/2017

V. Review of Santa Fe County Code of Conduct Ordinance Including Campaign Financing, Political Activity, Proper Uses of Campaign Funds, Prohibited Use of Campaign Funds, and Disbursement of Surplus Campaign Funds

Ms. Valdez recommended the latest changes made pursuant to the suggestions at the previous meeting be reviewed.

On page 3, under definitions, Mr. Allen asked whether the current definition of “any person, entity, corporation or political entity” makes clear the situation where contributions may be made as an individual and as a member of a political entity, etc.

Ms. Valdez said this is the broad language the State uses. If it is defined more specifically arguments could be made. A policy decision could make it more specific. Mr. Flores said this makes it more clear than it was before when the ordinance was silent on the matter.

Chair Thompson brought up the recent City special election on the sugar tax where confusion arose regarding contributions and filings. Ms. Valdez stated the City is a home rule municipality which has a different set of rules. Mr. Flores indicated the City Ethics committee was called on to rule on some of the questions that arose.

Regarding acceptance of the definition of “donor,” Mr. Rosanbalm moved to approve the change and Mr. Allen seconded. The motion passed by unanimous [3-0] voice vote.

Definition of “general election”: Ms. Valdez said this corresponds to the State’s definition. Mr. Rosanbalm asked if runoff elections fall under special elections and it was agreed they do. Mr. Rosanbalm moved to approve and Mr. Allen seconded. The motion carried unanimously.

Page 4, definition of “primary election”: Mr. Rosanbalm moved to approve. Mr. Allen seconded and the motion passed unanimously.

Page 10, Section 17, Campaign Funding, Ms. Valdez mentioned that “donor” was added to this section and the double negative removed. It now appears in its own section. Mr. Allen moved to approve and Mr. Rosanbalm seconded. The motion carried unanimously.

Additionally, a following paragraph was moved to the Coercion section. Mr. Allen moved to ratify that change and Mr. Rosanbalm seconded. The motion carried unanimously.

Page 13, Section 23, Coercion: Ms. Valdez noted that this was previously found under Political Activity. A discussion ensued regarding whether the second sentence was redundant, being a restatement of the first with the addition of the word “solicit.” Ms. Valdez said the first implies a compelled action and the second is a request. The final sentence says voluntary contributions can be made, so the question is whether *asking* for a contribution from an employee, etc. is allowed, since solicitation could be seen as implicitly coercive. Ms. Valdez said there are two possible readings as it stands. Intent should be established.

Mr. Rosanbalm moved to strike the second question. Mr. Allen seconded and the motion carried unanimously.

Ms. Valdez described the State regulations, which lists allowed uses, such as non-profit organization, reimbursement to donors and paying off campaign debts. Funds can be carried over to future campaigns with no time limit whereas County regulations require disbursement within 30 days. Ms. Valdez stated the State does not make a distinction between funds in an active campaign or surplus funds.

Mr. Allen noted contributing to other candidates' campaigns opens the way to subverting the will of the donors. He added it would be good for the reputation of Santa Fe County to have clear-cut, restrictive rules.

Mr. Allen made a motion to strike 22. A. 5 and clarify and make 22. B consistent with other provisions. Mr. Rosanbalm seconded and the motion carried unanimously.

Restating the intent, Ms. Valdez said, it is not to be able to carry over any funds to another candidate.

Ms. Valdez reminded the board that while County regulations can be more restrictive than those of the State, the County cannot prohibit something specifically allowed by the State. She indicated she would do research on that point.

VI. Matters from the Board

None were presented.

VII. Matters from the Public

None were presented.

VIII. Adjournment

Having completed the agenda and with no further business to conduct the meeting was declared adjourned at 3:55 p.m.

Approved by:

Carol Thompson
Carol Thompson, Chair

Respectfully submitted by:

Debbie Doyle, Wordswork

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

ETHICS BOARD MINUTES
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I Hereby Certify That This Instrument Was Filed for
Record On The 19TH Day Of July, 2017 at 08:31:51 AM
And Was Duly Recorded as Instrument # 1831357
Of The Records Of Santa Fe County

Santa Fe County
Ethics Board: May 18, 2017

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy County Clerk, Santa Fe, NM



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Mr. Allen moved to approve the remainder of that paragraph and Mr. Rosanbalm seconded. The motion carried unanimously.

Ms. Valdez stated there might be intent in this paragraph to close a loophole where a surrogate would be involved in the coercion.

Returning to page 11, Section 19, Disclosure, Mr. Rosanbalm noted a typo: "Appointed Officials shall file amended statements of economic interest ~~shall be filed~~ on an annual basis or before the 11th day of January of each year."

Also on page 11, under the same Section 19. C. 3, deals with who is exempted from gift disclosure on conflict of interest statements, to wit, family members, etc. Mr. Allen considered the inclusion of "boyfriend, girlfriend" to be amateurish, ephemeral, indefensible and subject to misuse.

It was noted in definitions there are separate specifications for "family" and "immediate family" and a discrepancy was noted in "immediate family" in that "child of a sibling" is included but not child.

Ms. Valdez offered to look up provisions on household and family members.

Mr. Rosanbalm moved to strike "boyfriend, girlfriend" and Mr. Allen seconded. The motion carried by majority 2-1 voice vote with Chair Thompson casting the dissenting vote.

Chair Thompson moved to direct Ms. Valdez to do research on the issue. Mr. Rosanbalm seconded and the motion passed unanimously.

Mr. Rosanbalm said "fiancé or fiancée" lacks legal specificity, and moved to strike those terms. Mr. Allen seconded and the motion passed by 2-1 vote with Chair Thompson voting against.

Mr. Rosanbalm suggested "family" or "immediate family" might be better, since those were previously defined. "Domestic partner" should be included as well.

Page 12, Section 20, Proper Use of Campaign Funds: Ms. Valdez stated the County's provisions are more specific than those of the State. A discussion ensued regarding potential abuses. Mr. Allen suggested including "reasonable expenses."

Mr. Allen made a motion to direct Ms. Valdez to investigate using a test of reasonableness. Mr. Rosanbalm seconded and the motion carried unanimously.

Page 12, Section 21, Prohibited Uses of Campaign Funds: Ms. Valdez noted the County is more restrictive than the State. Following a discussion of prohibited gifts in general, discrepancies were noted between 21.D, that allows campaign funds to be contributed to another candidate, and 22. A. 5 and 22. B, which deal with disbursement of surplus campaign funds. A question arose as to if campaigns are allowed to donate to another candidate, do limits apply? It needs to be determined whether excess funds are to be dealt with in the same way as funds in an active campaign.