

MINUTES OF THE
SANTA FE COUNTY
ETHICS BOARD

May 25, 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:

Peter Dodds
Linda Ramos
Michael "Rosey" Rosanbalm

Member(s) Excused:

MacKenzie "Mac" Allen
Carol Thompson

Staff Present:

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

Others Present:

Justin Horwath, Reporter, *The Santa Fe New Mexican*

III. Approval of the Agenda

Mr. Rosanbalm moved to approve the agenda and Ms. Ramos seconded. The motion carried by unanimous voice vote.

Ms. Katonak informed the Board that action on the May 18th minutes would be included as an action item on the next agenda.

SFC CLERK RECORDED 07/19/2017

IV. 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 provided an overview of the May 18th meeting and highlighted the changes made at that meeting. She noted the following additions under Section 4, definitions, which pertain to Section 17:

- “Donor” was added as J
- “General Election” was added as P
- “Primary Election” was added as W

Action: Ms. Valdez brought up an issue regarding consistency and Mr. Rosanbalm introduced the following motion: All terms defined under Section 4 will be capitalized throughout the body of the text. Mr. Dodds seconded and the motion passed without opposition.

Special election was not defined because it lacks a definitive timeframe; however, Ms. Valdez said she could craft a definition that specifies when one can receive campaign contributions during a special election.

In the event of a tie, according to NMSA 1978 1-13-11, it is determined by lot.

Typos were addressed

Section 19.C.3, at the previous meeting it was determined that the use of the terms “boyfriend, girlfriend, fiancé or fiancée” were amateurish, and the question of whether or not that classification should be included from the reporting requirements was discussed. Ms. Valdez said she researched the definition of “household member” in NMSA and that statute uses “continuing personal relationships” which is defined as a dating or intimate relationship. She suggested this may serve to cover modern relationships. “Domestic partner” is a term of law which has greater parameters than a “continuing personal relationship.” Mr. Rosanbalm and Mr. Dodds agreed that “continuing personal relationships” sounds wide open and may place the Board in a position to make a difficult judgment call.

A reasonability standard, which by law is considered “that are reasonable expenditures related to the campaign,” was added to Section 20, which tracks the State’s language regarding a reasonableness test, stated Ms. Valdez. The terms “reasonable” is typically interpreted by the courts as a reasonable person standard. Stating that he preferred to not to have to determine what is reasonable, Mr. Rosanbalm requested a definition.

Section 22, distribution of surplus campaign funds, A.4 and B mimic and are complementary to the state statute which allows individuals to rollover campaign contributions to a new campaign and to donate to another campaign. Ms. Valdez said that at the previous meeting, the Board wanted to eliminate the ability to rollover or donate to another candidate. Case law on this issue is conflicting – prohibiting something allowed by state law or allowing something that is prohibited by state law. She said there is a policy risk to making the deletions because they are

allowed by state law. She suggested maintaining the original language and developing dollar restrictions on how the funds can be used.

Action: Following discussion, there was consensus to table Section 22. A. 5 and B and Section 21 D for further discussion when all the Board members present.

Pursuant to the County Attorney's direction, the entire ordinance should be reviewed for inconsistencies and typos. Ms. Katonak suggested completing Section 23, Coercion, and then re-reviewing the document from the beginning.

Section 23: There were no issues with the revisions.

Starting at the beginning of the ordinance the following inconsistencies and typos were noted

- Section 2, middle of the paragraph an underscore needs to be deleted
- Section 4, E, "Candidate"
 - Under should be lower case
 - Add "or" before (ii)
 - Change the commas to semi-colon
- Section 4, I, close the quotation mark
- Section 4, Q, delete "child of" and the "a" before grandchild and grandparent
- As defined "Family" includes unrelated people living within the household
- Section 11, strike "confidential" from the title and add "non-public" in the second line – for consistency with Section 4, R
- Section 4, U, "Personal Benefit" is often used interchangeably with "private benefit" (Section 7, C; Section 15) – correct for consistency
- Section 7.C. "...where "Personal Benefit" ~~gains or advantage~~ is involved... has been used for ~~private benefit~~ that purpose. [underline is new language] or simplify with "personal gain" or "advantage"
- Section 4, V, "Political Action" is not used in the ordinance and by consensus the entire definition was eliminated
- Section 5, first sentence should read "...made on their merits."
- Section 6, lowercase the use of "act" as a verb
- Section 8, A, "...shall not ~~for pay~~ receive compensation to represent..."
- The phrase "candidate, elected official, appointed official, employee or volunteer" was recognized as verbose; staff clarified it was necessary
- Section 10, A, "affirmative duty" requires one to be pro-active and one needs to know that one has the duty to do so. "Affirmative duty" eliminates the defense of not knowing and is a stronger standard than shall
- Add "affirmative duty" as a definition to Section 4
- Staff directive to correct Section 10. B, which appears to encourage/affirm/promote the hiring, promoting or rewarding family members, relatives, etc.

V. Matters from the Board

None were presented.

VI. Matters from the Public

None were presented.

VII. Adjournment

Having completed the agenda and with no further business to conduct the meeting was declared adjourned at 2:55 p.m.

Approved by:



Carol Thompson, Chair

Respectfully submitted by:

Karen Farrell, Wordswork

COUNTY OF SANTA FE) ETHICS BOARD MINUTES
STATE OF NEW MEXICO) ss PAGES: 4

I Hereby Certify That This Instrument Was Filed for
Record On The 19TH Day Of July, 2017 at 08:31:52 AM
And Was Duly Recorded as Instrument # 1831358
Of The Records Of Santa Fe County

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

