

MINUTES OF THE
SANTA FE COUNTY
ETHICS BOARD MEETING

Santa Fe, New Mexico

January 30, 2019

I. This meeting of the Santa Fe County Ethics Board was convened by Chair Carol Thompson, on the above-cited date at approximately 2:00 p.m. in the Santa Fe County Manager's Conference Room, County Administration Building, Santa Fe, New Mexico.

II. Roll call indicated the presence of a quorum as follows:

Members Present:

Carol Thompson, Chair
James Hayes
Linda Ramos
Michael "Rosey" Rosanbalm

Member(s) Excused:

Peter Dodds

County Staff Present:

Lisa Katonak, Manager's Office
Cristella Valdez, Assistant Attorney

James Hayes was welcomed to the Board and he offered a brief history of his professional life. Others present introduced themselves.

III. Approval of Agenda

Upon motion by Mr. Rosanbalm and second by Ms. Ramos, the agenda was unanimously approved as published.

IV. Approval of October 17, 2018 Minutes

Upon motion by Mr. Rosanbalm and second by Ms. Ramos, the minutes were approved without opposition. [Mr. Hayes abstained.]

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V. Election of Ethics Board Chair

Ms. Katonak said she was advised by Mr. Dodds that he was unable to serve as an officer but was still interested in serving on the Board.

Ms. Ramos said with the new administration her work load has increased and she too could not serve as an officer for the Board.

Ms. Ramos nominated Carol Thompson as Chair. Mr. Hayes seconded.

There were no other nominations and upon unanimous vote, Ms. Thompson was elected Chair.

VI. Election of Ethics Board Vice Chair

Ms. Ramos nominated Rosey Rosanbalm to serve as Vice Chair. Chair Thompson seconded and with no further nominations, Mr. Rosanbalm was unanimously elected Vice Chair.

VII. Review of the 2018/2019 Ethics Board Work Plan

Ms. Katonak said a realistic timeline for presenting the final draft to the BCC would be early summer. The Commission is anxious to adopt an ordinance.

VIII. Review of Santa Fe County Code of Conduct Ordinance, Including Campaign Financing; Political Activity; Proper Uses of Campaign Funds; Prohibited Uses of Campaign Funds; and Disbursement of Surplus Campaign Fund [Draft Ordinance on file with Manager's Office]

Ms. Valdez said she worked through the ordinance with the BCC's instructions and tried to preserve this committee's work as much as possible. The BCC asked that the ordinance align with the State's regulations, i.e., the Governmental Conduct Act and Campaign Financing Act. The County Attorney has not reviewed the changes and may propose an alternative ordinance to the BCC at the time of publication of title and general summary.

Mr. Rosanbalm said he reviewed the draft ordinance and commended Ms. Valdez for incorporating the State's regulations.

Mr. Hayes said he was interested in reviewing the statutes and comparing what is being proposed to better understand the goals of the draft ordinance.

Ms. Valdez noted that the County's Code of Conduct was enacted before the applicability of Governmental Code of Conduct to counties. While a lot of the provisions in the draft ordinance don't line up perfectly with the Governmental Code of Conduct Act, the County is often more restrictive. The BCC's directive was that they didn't want to follow

two sets of law. The Governmental Conduct Act is not intended to prevent local governments from passing their own codes of conduct.

In an effort to preserve the work of this Board, Ms. Valdez said state law wasn't always mirrored, especially where the draft was more restrictive. The Campaign Financing Act is specifically where the BCC said they didn't want to follow two separate sets of laws. Campaign financing is heavily regulated by the State and the County may not be able to prohibit use of campaign funds that the State expressly allows.

Aside from grammatical errors, duplicative language and changes that did not alter the context, Ms. Valdez noted the following significant changes:

- “Anything of Value” was changed to be consistent with the state
- “Campaign Fund” was changed to mirror the Campaign Reporting Act
- “Confidential Information” was changed to mirror the Governmental Conduct Act
- “Campaign Contribution” tracks verbatim state law which is what the BCC specifically requested
- “Financial Interest” – the State definition which is clearer was used
- “Non-public Information” – the phrase “if contained in a document or record” was added for clarification. The Inspection of Public Records Act allows for the inspection of records and the addition clarifies it. The idea is to protect both information and records from abuse
- “Knowingly” was eliminated from Section 10 A.4, because *ex parte* communication should be disclosed whether knowingly or unknowingly
- “Doubt” was eliminated from Section 10 B. 1, because a reasonable doubt is considered a criminal standard
- Section 11.G., “Upon the request of an Elected Official, Appointed Official or Volunteer” was added at the start of the section to clarify that the Board will make determinations when asked to do so. Employees will go through a different channel
- Section 15.A. added “without regard to party affiliation” to clarify that anyone can use the County property
- Section 18, Campaign Funding, more substantial changes. The Commission preferred the state’s Campaign Reporting Act and by the added reference, those regulations are incorporated. Whatever state law does, donors will be required to follow
- Section 21, Proper Use of Campaign Funds, references state law and the Secretary of State’s regulation and the other language was deleted
- Sections 22 and 23 were eliminated because they are covered with the references in Section 21
- Section 28 A.1. was eliminated because the Board’s ability to impose a civil fine requires additional research. Typically, the Magistrate Court has jurisdiction over fines through criminal penalties

There was Board consensus that referencing the regulations was the most efficient way to proceed.

DRAFT

subject to approval

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