

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**ETHICS BOARD MEETING**

**Santa Fe, New Mexico**

**November 2, 2020**

**A. Call to Order**

This meeting of the Santa Fe County Ethics Board was convened by Chair Carol Thompson, on the above-cited date at approximately 1:40 p.m.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, and pursuant to the New Mexico Attorney General's Open Government Division Advisory during COVID-19, public entities are authorized to conduct virtual meetings. All votes by the public body must be made by roll call vote.

**B. Roll Call**

Roll call indicated the presence of a quorum as follows:

**Members Present:**

Carol Thompson, Chair  
Linda Ramos  
Michael "Rosey" Rosanbalm

**Member(s) Excused:**

James Hayes  
[One Vacancy]

**Others Present:**

Lisa Katonak, Manager's Office  
Greg Shaffer, County Attorney  
Hank Hughes, District 5 Commissioner  
Carmelina Hart, Communications Coordinator  
Daniel Fresquez, Media Coordinator  
Olivia Romo, Constituent Services Liaison

**C. Approval of Agenda**

Upon motion by Mr. Rosanbalm and second by Ms. Ramos the agenda, as published, was unanimously approved by [3-0] roll call vote.

SFC CLERK RECORDED 08/09/2021

**D. Approval of the Minutes: July 13, 2020**

An error was noted on page 3: “There was committee consensus...”

Ms. Ramos moved to approve the July 13, 2020 minutes as corrected. Mr. Rosanbalm seconded and the motion passed by unanimous [3-0] roll call vote.

**E. Consideration and Possible Action Regarding Request for Advisory Opinion by Santa Fe County Commissioner Hank Hughes Pursuant to Section 24(J) of the Santa Fe County Code of Conduct**

Commissioner Hughes said he currently serves as an appointed County Commissioner and following the November 3<sup>rd</sup> election, in which he is running unopposed, he will be sworn in as an elected official. He thanked the Board for convening this meeting to advise him on any potential conflicts of interest that could arise in his dual role as the Executive Director for the New Mexico Coalition to End Homelessness and County Commissioner.

In the past, the Coalition did not receive County funding; however, with the pandemic the Coalition has entered into contracts with the County to distribute money to address homelessness. The money will provide support for emergency purposes at the mid-town Covid shelter (Santa Fe University of Art and Design), placement of homeless people in motels for their safety, and other shelters and services. The Coalition has the financial management capacity necessary that other entities do not. A separate non-profit named Consuelo’s Place was created under the Coalition to assist in managing the mid-town shelter. The Coalition is also serving as fiscal agent for the Española Pathways Shelter which currently lacks tax exempt status.

With a dual role as a County Commissioner and executive director of an agency that is managing County funds he is seeking the Board’s advice and guidance on how to conduct himself to avoid any appearance of conflict of interest.

In response to a series of questions posed by the Chair, Commissioner Hughes confirmed that the Coalition has a board of directors made up of executive directors of other agencies as well as people with lived experience of homelessness. The board adopts a budget and as executive director he authorizes those expenses. The board meets every other month and reviews the financial statements. At this time, the Coalition has two staff people working on finances – the office manager and the financial specialist. Most of the Coalition’s funding comes from federal grants.

Commissioner Hughes said that the County has historically allocated money for homeless shelters. Those allocations have increased with the CARES Act to address the pandemic. As a Commissioner, he has recused himself in votes regarding funding to homeless shelters to avoid any appearance of impropriety.

In response to Mr. Rosanbalm's questions, Commissioner Hughes stated that the County received the CARES Act funding and had asked the Coalition if they were willing to manage some of the funds. Española Pathways Center has been in existence for over a year and while they have a board they are not equipped to manage the funding. Consuelo's Place has been in existence since August. He said he understood the County has a specific department budget to fund homeless shelters.

Ms. Ramos asked whether as a Commissioner he had influence on how funds are distributed. The Commissioner responded that he has recused himself from voting on issues that come before the Board of County Commissioners regarding the funding of homeless shelters. As fiscal agent, the Coalition is ultimately responsible to ensure the sub-agencies spend their funding correctly. Consuelo's Place is very new and requires additional oversight in their day-to-day operations.

Mr. Rosanbalm said he could see a potential conflict if the Commissioner was, 1) involved in specific County line items that would benefit the agency in which he serves as executive director, 2) after the money is allocated he tries to influence the allocation of County contracts, 3) as executive director he tries to argue for County money for the Coalition, and 4) if he did not recuse himself from anything that may have the appearance of an impropriety. Common sense says the Commissioner should avoid anything that has to do with his specific interest in the homeless arena.

Commissioner Hughes pointed out that he has and will continue to recuse himself from items in which the Coalition may benefit.

There was Board consensus that a detailed disclosure statement and recusals where there is an appearance of improprieties should suffice. Commissioner Hughes confirmed that he submitted a financial disclosure statement and conflict of interest statement upon his appointment to the County Commission.

Ms. Katonak said the conflict of interest and financial disclosure form is filed on an annual basis, recorded and is available through the County Clerk's office.

Commissioner Hughes requested a written opinion/advice from the Ethics Board on how he should proceed.

Mr. Shaffer suggested a motion consistent with the Board's discussion and Section 9 (B) of the County Code of Conduct that would: advise Commissioner Hughes that he may simultaneously serve as a County Commissioner and the Executive Director of the Coalition to End Homelessness so long as he continuously discloses his position as executive director on his disclosure of interest form as required in Section 18 of the Santa Fe County Code of Conduct, and disqualifies himself from participating in any debate, decision or vote relating to his interest in the New Mexico Coalition to End Homelessness.

Mr. Rosanbalm so moved as stated by the County Attorney and Ms. Ramos seconded. The motion passed by unanimous [3-0] roll call vote.


**F. Adjournment**

Upon motion by Ms. Ramos and second by Mr. Rosanbalm and unanimous [3-0] roll call vote, this meeting was declared adjourned at 2:20 p.m.

Approved by:

  
Carol Thompson, Chair

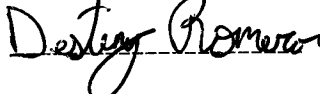
Respectfully submitted by:

  
Karen Farrell, Wordswork

COUNTY OF SANTA FE            )  
STATE OF NEW MEXICO        ) ss

ETHICS BOARD MINUTES  
PAGES: 4

I Hereby Certify That This Instrument Was Filed for  
Record On The 9TH Day Of August, 2021 at 08:44:34 AM  
And Was Duly Recorded as Instrument # **1961881**  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Katharine E. Clark  
Deputy  County Clerk, Santa Fe, NM

