

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

**Santa Fe, New Mexico**

**November 13, 2017**

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 Legal 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  
Peter Dodds  
Linda Ramos  
Michael "Rosey" Rosanbalm

**Member(s) Absent:**

[One Vacancy]

**County Staff Present:**

Lisa Katonak, Manager's Office  
Cristella Valdez, Assistant Attorney  
Tony Flores, Deputy County Manager

III. **Approval of Agenda**

Upon motion by Mr. Dodds and second by Ms. Ramos, the agenda was unanimously [4-0] approved as published.

IV. **Approval: October 19, 2017 Minutes**

Mr. Rosanbalm had a question regarding the final sentence on the bottom of page 3, where Section 25. H is mentioned. Ms. Valdez noted that the sections were subsequently renumbered and it was unclear what the reference was. It was agreed to eliminate the last part of that sentence. So moved Mr. Rosanbalm with a second by Ms. Ramos. The motion carried unanimously.

Ms. Ramos moved to approve as amended. Mr. Dodds seconded and the motion passed by unanimous [4-0] voice vote.

SFC CLERK RECORDED 12/21/2017

## **V. Discussion Item from the Deputy County Manager**

Mr. Flores thanked the Board for their work in clarifying the ethics issues. Once the gifts section is finished the final changes will go to the Board of County Commissioners for approval to publish title and general summary of the ordinance. He noted the timing factor came into play because he wanted to ensure the workload for staff was not overly onerous, given the number of issues coming before the Board. There are two BCC meetings remaining this year and he anticipated the ordinance coming up for title and general summary in January.

## **VI. Scheduling Next Meeting Dates/Times**

The next meeting was scheduled for Thursday, December 7<sup>th</sup> at 2:00.

## **VII. Review of the 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]**

### **Section 4: Definitions: B. Anything of Value, Benefit or Thing of Value**

Ms. Valdez referred to page 2 pointing out the particular areas of concern were: vi. meals whose total value exceed twenty-five dollars (\$25), non-alcoholic beverages or lodging, excepting meals provided in connection with an event produced by a non-profit charitable organization or a public event where the person attending is serving in a political capacity; and xiv. tickets of admission.

Mr. Flores set the stage by saying several County departments, such as Community Services, Lodgers Tax Advisory Board and COLTPAC sponsor public events. These would include occasions like Think Pink: Breast Cancer Awareness, the Independent Film Festival, Boys and Girls Club events the County sometimes receives tickets after County funding has been provided. Under the current provisions, elected and appointed officials and volunteers are not able to use those tickets.

Chair Thompson pointed out that charity ticket events typically have one portion set aside for the cost of the meal, the other portion being tax deductible. She suggested raising the dollar amount.

Ms. Valdez said raising the value won't solve the issue. She quoted from the Government Conduct Act which has a \$100 limit for food and refreshment.

Mr. Flores pointed out these restrictions also apply to the Ethics Board as volunteers. Referring to the Wine and Chile Festival, he said the ticket value is higher than \$100. Excluding County-sponsored events would only partially clarify the situation. He added

the key factor is perception. He said if they follow the provisions in state law they can't be accused of being arbitrary and capricious.

Referring to state law, Ms. Valdez said the emphasis is on there being no quid pro quo rather than the monetary value, so clarity could be achieved by specifying there would be no promise or consideration for something given.

Mr. Flores stated Sections 11 E. and F. refer to "anything of value", as does 13. A. Specifying "non-profit" does not clear up the issue entirely since there may be competition among non-profits for County money.

Ms. Valdez said 13. A. mirrors the state's language and covers appearance of impropriety and the quid pro quo aspect.

Mr. Flores indicated staff is not allowed to make use of the meals or tickets provided by non-profits; these provisions apply only to elected and appointed officials and volunteers. Staff always has to pay its own way.

Chair Thompson said it was important for elected officials to appear at public events. She mentioned the Fly Santa Fe as an example.

Mr. Dodds expressed his concern at the lengthy enumeration of examples, when in fact anything can be seen as being of valuable. Special access or benefit is the key factor.

Mr. Flores posed the question: How would this Board handle an ethics complaint under these provisions?

Mr. Rosanbalm emphasized the importance of the gift being given to an office rather than a person.

Ms. Valdez requested time to draft this section to be sure it did not contravene state policy.

Ms. Ramos noted that the \$25 limit does not specify any time span or number of times. She said the Department of Transportation has an annual amount you can receive – \$50, and never more than \$20 at a time.

Chair Thompson stated she liked the idea of raising the limit to \$100, referring to the office rather than a person, and specifying an annual limit.

Mr. Dodds noted xxiii encapsulates everything. Beyond that exclusions can be specified. Mr. Rosanbalm agreed that would be cleaner and simpler.

Ms. Valdez indicated violation in the state regulations, which are very broad, is a fourth degree felony. She worried that County officials could get caught up in state criminal matters by believing something is allowed when it is not. The state's \$100 limit applies only to financial service providers. She again stressed state law is in some ways less

stringent and is conditioned upon promised performance, whereas the County speaks of appearance of impropriety.

Mr. Rosanbalm asked about declaring gifts and Ms. Valdez referred to the conflict of interest statements that specify gifts of more than \$250 in the aggregate have to be declared. Mr. Flores added that that applied to employees as well.

Ms. Valdez noted that provisions on page 21 allow the Ethics Board to issue advisory opinions and that could be done to clarify this issue. The discussion turned to the repercussions of this board meeting from time to time to issue opinions on a case-by-case basis. Mr. Flores said there are eight to ten events per year that would require a determination. Section 26. J. would have to be tied into the definition section.

ACTION: Chair Thompson moved to drop subsections i to xxiii, add the exclusions, (meals, tickets, transportation), tie in Section 26. J. regarding advisory opinions This is to be researched by Ms. Valdez to ensure there are no conflicts with state law. Mr. Rosanbalm seconded and the motion carried unanimously.

Ms. Valdez reviewed the changes she made per the board's instructions at the last meeting in addition to numbering and grammar changes:

- Page 5: Section 4. BB, "Sworn Complaint" was clarified and this was term was included throughout the document; a complaint form is implied
- Section 4.CC, "Volunteer", language was added to reflect discussion from the previous meeting regarding acknowledgement of a volunteer's agreement to abide by the ordinance
- Page 16: minor changes and clarifications; Mr. Rosanbalm suggested a comma be added in Section 25. A. following "Employee may"
- Section 25 D., "The County Attorney shall refer to the appeal to the Ethics Board" was added
- Page 18, Section 25. F. 2. b. last line removed
- Page 20, Section 25. K struck
- Page 21, Section 26. H, items struck and various changes as recommended by the board
- Two sections moved to other areas of the code
- Page 24, Section 29, a additional "of County Commissioners" will be struck
- Page 24, Section 30. A, she will change "person" to "Elected Office, Appointed Official of Volunteer" and other changes were made as recommended

Ms. Valdez asked for board direction on Section 25. D. (page 17) regarding duties of the CCEO, whether the standard of review on complaints should be heard *de novo* or to focus on a particular issue.

ACTION: Chair Thompson moved clarify Section 25. D. specifying that appeals would be heard on specific issues rather than *de novo*. Mr. Rosanbalm seconded and the motion passed unanimously.

The last line of Section 25. D. was also changed as follows: "...handing in accordance with ~~this~~ Sections 25..."

Mr. Dodd asked what a "written finding of censure" meant, and Ms. Ramos noted that everything about this board's proceedings are matters of public record. Ms. Valdez said she understood something would be written and brought to this board for approval, which would then make it part of the public record.

**VI. Matters from the Board**

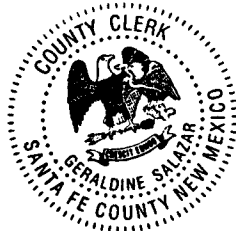
None were offered.

**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 4:04 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  
PAGES: 6  
I Hereby Certify That This Instrument Was Filed for  
Record On The 21ST Day Of December, 2017 at 02:15:14 PM  
And Was Duly Recorded as Instrument # 1844453  
Of The Records Of Santa Fe County

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

SFC CLERK RECORDED 12/21/2017

# DRAFT

subject to approval