

MINUTES OF THE
SANTA FE COUNTY
ETHICS BOARD MEETING

Santa Fe, New Mexico

March 7, 2019

I. This meeting of the Santa Fe County Ethics Board was convened by Chair Carol Thompson, on the above-cited date at approximately 2:35 p.m. in the Santa Fe County Commission Chambers, 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
Michael "Rosey" Rosanbalm

Member(s) Excused:

James Hayes
Linda Ramos

County Staff Present:

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

III. Approval of Agenda

Upon motion by Mr. Dodds and second by Mr. Rosanbalm the agenda was unanimously approved.

IV. Approval of January 30, 2019 Minutes

Upon motion by Mr. Rosanbalm and second by Mr. Dodd, the minutes were approved without opposition.

V. 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 Funds [*Draft Ordinance on file with Manager's Office*]

It was decided to go through the document section by section and approve by motion any areas of substantive change. Mr. Rosanbalm stated he had many suggested changes, some minor, and some questions or problematic areas.

Sections 1, 2, and 3: No changes.

Section 4.C, Mr. Rosanbalm recommended putting the final mentions of “Anything of Value”, “Benefit”, and “Thing of Value” in bold, as they are elsewhere in that paragraph.

Section 4. K, Mr. Rosanbalm said he would kill “...individuals who volunteer a ~~portion of or all of~~ their time...” due to redundancy. Ms. Valdez stated that language mirrors that of the state.

Section 4. M, insert “means” after (“CCEO”) to be consistent with the other definitions.

Section 4. P, change as follows: “...the County Sheriff, and the County Assessor. And to say, “It excludes the County Probate Judge.” Instead of “...it does not include.”

Section 4. S, “...any interest held by an Elected Official,” and “...prospective employment interest for which negotiations....”

Section 4. Z, remove tab after Z.

Sections 5 and 6,: No change.

Section 7. B, Mr. Rosanbalm suggested that “writing materials” should be “written materials.” Ms. Valdez said she believed that was taken from the HR Manual and any changes would require approval by bargaining units. She said she would recheck the language in the manual. Also in that section, he said the sentence would read better if “religions” was singular. However, the same caveat would apply to this as being taken directly from the HR Manual.

Section 8. A, B, C., 1 and 2 – extra spaces.

Section 9. A, Mr. Dodds suggested making “decision making” a defined term, but it was agreed this was not necessary.

Section 9. B, change “Disclosure of Interest Form” to “Conflict of Interest and Financial Disclosure Statement.”

Section 10. A. 2, Mr. Rosanbalm recommended moving this paragraph to Section 4, as it constitutes a definition of Administrative Adjudicatory. So moved Mr. Rosanbalm, seconded by Mr. Dodds. The motion carried 2-1 with Chair Thompson voting against.

After discussion, it was moved, seconded and unanimously agreed to move Section 10. B, Recusal, to its own section following Section 6, Public Trust.

In the Recusal Section, 1. 4, “If, prior to the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a Party shall promptly notify the Elected Official or Appointed Official of **[space to be removed]** the grounds for recusal. If the Elected Official or Appointed Official declines to recuse himself or herself upon request of a Party, the official shall provide a full explanation in support of his refusal to recuse himself or herself.”

Section 11. A has a margin/formatting error. 11. B should read “...or political supporter, or to hinder or otherwise...”

Mr. Rosanbalm noted Section 11. G is inconsistent with Section 24. H. It was decided to retain the language of 11. G and change 24. H. Additionally, there should be an “of” after “any gift.”

Section 12: No changes.

Section 13. A: A discussion ensued regarding the expression “possible violation of bribery laws.” Discussion centered on whether specific statutes should be cited, whether “bribery” should be defined, whether “applicable laws” was preferable, or whether bribery should be mentioned at all.

Mr. Rosanbalm moved to change the language to “caution the person making it that the offer appears to constitute bribery.” Mr. Dodds seconded and the motion carried unanimously.

Sections 14 and 15: No changes.

Section 16: Mr. Rosanbalm objected to the inclusion of “within one year” in the prohibition against using confidential information.

Mr. Rosanbalm moved and Mr. Dodds seconded a motion to direct Ms. Valdez to work on this section vis-à-vis state law, which does not specify a time limit or include volunteers. State statute could be referenced specifically to ensure continuity should the statutes change. The motion passed without opposition.

Section 17. C, Mr. Rosanbalm asked if an employee could go to work with a County contractor immediately after working for the County. Ms. Valdez said she believed that issue was covered elsewhere.

Section 18: No changes.

Section 19. C, Mr. Rosanbalm objected to the term “time off that is compensated” in subsection iii.

Mr. Rosanbalm move to delete that entire subsection. Mr. Dodds seconded and the motion carried unanimously.

Section 19. F, Mr. Rosanbalm asked for clarification and Ms. Katonak gave an example of a firefighter being able to advocate a ballot bond measure for more equipment.

Section 20, Mr. Rosanbalm indicated this section was confusing in that it mentions a 10-day timeline, a 30-day time line and a 90-day timeline. He wondered why it was required to submit a disclosure form in January, when any change in status triggered a necessity of filing a form. Ms. Valdez noted that paragraph E was included only to capture those impacted by the initial enactment of the ordinance and was therefore no longer necessary. 20. E can be struck. Ms. Valdez stated the requirement to file a disclosure statement applies to elected and appointed officials only.

[There was a recess of five minutes.]

Section 21: No changes.

Section 22. C. 4, “Knowingly” was struck pursuant to motion by Mr. Rosanbalm, second by Mr. Dodds and unanimous vote.

Section 23. B. 1 – Mr. Rosanbalm will broach this issue at a later time. 23. D, for clarification Mr. Rosanbalm suggested it read “...subject to appeal by the complainant...”

Discussion ensued on 23. F. 3, which allows the Ethics Board to dismiss a complaint that is too insignificant or unintentional. It was agreed that if a complaint was valid enough to have proceeded that far the Board should not be able to dismiss a case out of hand. Mr. Rosanbalm moved to strike 23. F. 3, Mr. Dodds seconded and the motion carried unanimously.

Section 24. B provoked discussion of the phrase “an alternate member shall be seated when the need arises.” Ms. Katonak speculated that that section came from when the Ethics Board had fewer members.

Section 24. F, “County” to be capitalized, and 24.H, as previously decided, to agree with Section 11. G, “County Employee” is changed to “Volunteer.”

Sections 25 and 26: No changes.

Section 27. A, capitalize “County Manager.”

Section 28. D, formatting/margin error. Ms. Valdez stated this is a general concept statement of penalties for violating the ordinance. It would pertain to the County pursuing a criminal prosecution in magistrate court.

VI. Matters from the Board

Ms. Valdez stated she did not believe the County Attorney would be reviewed this document. She said she would circulate the changes requested at this meeting. Ms. Katonak said they would be notified of a future meeting at a later date.

VII. Matters from the Public

None were present.

VIII. Adjournment

Having completed the agenda and with no further business to conduct the meeting was declared adjourned at 5:07 p.m.

Approved by:


Carol Thompson, Chair

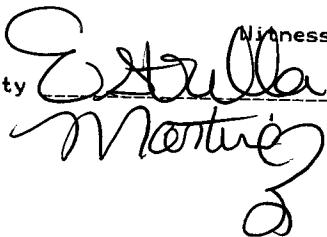
Respectfully submitted by:

Debbie Doyle, Wordswork

COUNTY OF SANTA FE) ETHICS BOARD MINUTES
STATE OF NEW MEXICO) ss PAGES: 5

I Hereby Certify That This Instrument Was Filed for
Record On The 29TH Day Of March, 2021 at 12:03:40 PM
And Was Duly Recorded as Instrument # 1947993
Of The Records Of Santa Fe County



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

SFC CLERK RECORDED 03/29/2021