

MINUTES OF THE
SANTA FE COUNTY
ETHICS BOARD

April 20, 2017

Santa Fe, New Mexico

This meeting of the Santa Fe County Investment Committee was called to order by Carol Thompson at approximately 2:05 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:

Carol Thompson
Peter Dodds
MacKenzie "Mac" Allen
Linda Ramos
Michael "Rosey" Rosanbalm

Member(s) Excused:

None

Staff Present:

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

Those present introduced themselves and described their backgrounds.

III. Approval of the Agenda

Mr. Rosanbalm moved approval and Mr. Allen seconded. The motion carried by unanimous voice vote.

IV. Approval of Minutes: March 6, 2017

Mr. Rosanbalm noted the correct spelling of his name. Mr. Allen moved to approve the minutes as corrected. Mr. Rosanbalm seconded and the minutes were unanimously approved.

SFC CLERK RECORDED 12/21/2017

V. Discussion of the 2017 Ethics Board Work Plan

Ms. Katonak stated there was no plan to reinvent the wheel, rather they would be going over previous drafts with attention to specific areas. If they are able to follow this schedule a new ordinance will be in place by October. Ms. Valdez noted that whether there is one hearing or two is at the discretion of the BCC. Mr. Flores said whether the hearing takes place at the first meeting of the month or the second is strictly a matter of when the presentation is ready .

Mr. Dodds asked if they would be coordinating the text of the ordinance with the State's regulations. Ms. Katonak stated the draft they will be working off was primarily prepared by former Assistant County Attorney Willie Brown who has since retired. It was also reviewed by Greg Shaffer, the County Attorney. There are areas where the County provision mirror those of the State and other areas where the board may wish to have more detailed regulations.

VI. Review of Santa Fe County Code of Conduct Ordinance: Campaign Financing, Political Activity, Proper Uses of Campaign Funds, Prohibited Use of Campaign Funds, and Disbursement of Surplus Campaign Funds

Ms. Valdez said the first area for specific reconsideration pertains to campaign finance and is found under Section 17, Political Activity, page 8 on Exhibit 3. She gave highlights of the County ordinance and explained how that differs from that of the State.

17. A deals with coercion for solicitation of campaign contributions and how candidates can interact with public employees, something not broached by the State.

17. B speaks to contribution limitations.

17. C describes who can work as a campaign consultant.

17. D through J deal with County workers participating in campaigns.

Ms. Valdez said almost all of Section 17 is unique to the County's ordinance and therefore are more restrictive than those of the State.

Mr. Flores said the BCC is looking for alternative language that provides more clarity.

Ms. Valdez said the County doesn't want to prohibit something the State specifically allows in order not to pre-empt State law. The State concerns itself largely with campaign financing and those provisions must be complied with. The overlap occurs primarily with State section 1.19.29.1 and County sections 19, 20 and 21.

A discussion ensued regarding the ambiguities regarding contribution caps. Mr. Rosanbalm asked whether there could be multiple contributions that add up to more than \$2,300. Ms. Valdez said as written, it is not clear the amount that organizations can donate and the County does not deal with political committees. It was agreed that the definition section should include whatever is decided about "donor" to clarify what "campaign contribution" entails.

There was agreement that Section 17. B needed revision to make it unambiguous about donations and about the definition of campaign cycle.

Ms. Valdez noted the State mentions a limit on the aggregate of anonymous contributions of \$2,000. She added the County does not have an auditing procedure for reporting. Municipalities, especially those with home rule, may have different regulations depending on what is in their charter.

Ms. Katonak said she understood the items to be considered were the dollar amount or campaign contributions, and fines, which is treated by the State but not the County.

Mr. Allen asked about serious cases such as where embezzlement is involved. Ms. Valdez spoke of misdemeanor versus felony embezzlement. She said there is nothing that they – the County – can put in the ordinance that would create a felony violation. However, there is concurrent jurisdiction. She added that even if something is in the County ordinance it does not usurp State control. Double jeopardy issues must be kept in mind.

Mr. Rosanbalm pointed out that State section 1-19-34.7, Contribution limitations; candidates; political committees, covers the same territory as 17.B and this could be incorporated into the ordinance. He would add “...a person or legal entity’s total contributions...”

Ms. Valdez noted there were things that were specific to the County that for policy reasons should be more restrictive.

There was discussion about whether to include provisions on political committees. Ms. Valdez said the County ordinance is currently silent on political committees.

There was agreement to leave the limit at \$2,300 for all organizations and individuals.

State section 1-19-34-7.D was deemed too complicated and not necessary.

Referring to many sections that mention employees, Mr. Dodds asked if this was not meant to apply only to elected officials. Ms. Valdez said the Code of Conduct is included in the employee handbook and infractions are handled by the Human Resource Department.

Ms. Katonak mentioned that Ms. Valdez would take the recommendations from the Ethics Board and do the necessary wordsmithing. She asked if the language in Section 19, Proper Use of Campaign Funds, was sufficient. Similarly, is the specificity found in Section 20, Prohibited Uses necessary. She said it might be enough to say if a use is not found among the allowable uses it is prohibited.

There was consensus that it should be clarified that donors can contribute x-amount to primary, then x-amount to the general election, and that winners of primaries are not held to the disbursement of surplus campaign funds provisions in Section 21.

There was consensus to maintain sections C through J under Political Activity.

Ms. Katonak said at the next meeting they could comb through Sections 18 through 22. Ms. Valdez said County sections 19 and 20 correspond to 1-19-29 of the State code.

It was suggested that 17. A, which covers coercion, could be subsumed under Section 22. There was also discussion of changing the title of 17 from Political Activity so that it focuses more closely on campaign financing.

Ms. Valdez noted some rearrangement of categories might be necessary.

VII. Matters from the Board

Wishing to keep the momentum going Chair Thompson suggested meeting again as soon as possible and tentative dates for the next two meetings were scheduled for May 18th and May 25th, both at 2:00.

VIII. Matters from the Public

None were presented.

IX. Adjournment

Having completed the agenda and with no further business to conduct the meeting was declared adjourned at 3:55 p.m.

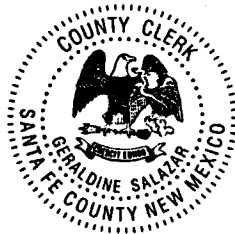
Approved by:

Carol Thompson
Carol Thompson, Chair

Respectfully submitted by:

Debbie Doyle

Debbie Doyle, Wordswork



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for
Record On The 21ST Day Of December, 2017 at 02:15:11 PM
And Was Duly Recorded as Instrument # 1844450
Of The Records Of Santa Fe County

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

SFC CLERK RECORDED 12/21/2017