

DRAFT

- subject to approval -

MINUTES OF THE
SANTA FE COUNTY
ETHICS BOARD SPECIAL MEETING

November 30, 2022

I. Call to Order

This special meeting of the Santa Fe County Ethics Board was called to order by Chair Carol Thompson, on the above-cited dated at approximately 3:00 p.m.

This meeting was conducted on a virtual platform.

II. Roll Call

Roll call indicated the presence of a quorum as follows:

Member Present:

Carol Thompson, Chair
Greg Coplans
Jonelle Maison
Tom Quaid

Member(s) Excused:

Michael "Rosey" Rosanbalm

Others Present:

Olivia Romo, Manager's Office
Estevan Sanchez, Assistant County Attorney
Sonya Quintana, Human Resources Director
Melinda Jagles-Moquino, Deputy Human Resources Director
Chris Michels, Citizen
Jan Boyer, Citizen

III. Approval of Agenda

Ms. Maison moved to approve the agenda as presented. Mr. Quaid seconded. The motion passed by unanimous voice vote.

IV. Approval of November 9, 2022 Meeting Minutes

Mr. Coplans moved to approve the minutes as presented. His motion was seconded by Mr. Quaid and the motion carried unanimously.

V. Santa Fe County Employee Training Recommendations

Chair Thompson noted that board members Coplans and Rosanbalm worked on the employee training recommendations.

Mr. Coplans thanked HR for their work and willingness to review the board's suggestions. With training dates coming up, he hoped to reach decisions today. He noted that HR only trains County employees, and other trainings are left to the discretion of the County Manager's office. The question of who trains elected and appointed officials should be addressed.

Regarding the objective of the training, Mr. Coplans envisions a focus on the important provisions of the code and promoting and reinforcing an ethical culture among employees and everyone at the County. Therefore, the training would be wider than the provisions of the code. If the objective is merely to deal with provisions of the code, he recommended maintaining the slides that were changed and reviewed by HR Director Quintana. However, if the training is broader, the recommendation is to retain slides 41 and 42 on the topic of "fraud" even though fraud is not critically addressed in the code. He also recommended retaining slides 15 and 16 regarding "anything of value."

Mr. Coplans said the training materials can be expanded during 2023. He added that there are excellent ethics training courses offered by the City of Albuquerque and the State's Ethics Commission.

Ms. Quintana pointed out that ethics is only one portion of employee training. There are mandatory trainings which employees are required to take annually. Ethics training is provided for new employees, and current employees are required to take ethics, work place harassment, defensive driving, cyber awareness and other safety-related trainings regularly. Additionally, many departments have specialized trainings. Specific to the ethics training, Ms. Quintana said it is to ensure the employee understands the code and the expectations of Santa Fe County in regards to ethics.

Ms. Quintana asked about the fraud training, noting she did not see that within the code. The County does not tolerate fraudulent behavior. "Anything of value" is in the code, and was included within the training, as well as conduct avoiding impropriety.

Mr. Coplans said he added the fraud information is included because fraud is a subset of unethical behavior. If the focus is merely the code, then the suggested fraud slide(s) can be deleted. The slides with an "x" were so marked by Board member Rosanbalm to

indicate duplication and his recommendation is to remove slides 15 and 16 if the training is simply for the provisions of the code.

Ms. Quintana said she was happy to work with the board and add language within the training that was appropriate to other training materials. Educating employees of what fraud is, and that it will not be tolerated by the County, could be included following the information on “bribes.”

Chair Thompson was unsure “fraud” was discussed by this board, and was not comfortable including it in the training. The County Commissioners did approve the dollar amount for “anything of value” and she supporting keeping that in the training. Ms. Romo said that the definition of “anything of value” is within the slide deck.

Mr. Coplans recalled that, at the last board meeting, it was determined that HR would work on the draft slide deck, which they did, and forward that reviewed draft to the board to work on. He agreed that there was no explicit section of the code addressing fraud and those slides could be eliminated.

Ms. Romo said that the slide deck as presented by Mr. Coplans, reflects Mr. Rosanbalm’s organizational recommendations and slides for deletion.

Ms. Maison agreed with the Chair that fraud does not need to be in the training packet. Fraud is a crime, and the board is focused on ethical behavior which may not rise to the level of a criminal offence. Of course, it is expected that County officials, employees and volunteers are not committing crimes.

Ms. Maison moved to retain slides 15, 16 and 17 within the deck. Chair Thompson agreed and seconded. The motion passed by unanimous voice vote.

Ms. Quintana said that “bribe” is covered, and the concept of fraud, while not spelled out, is covered through “improper offers.” She said she was very grateful that this board was open to collaborating with HR, and appreciated their input. The last two slides will be removed because they are redundant. She invited the board to continue to communicate and work with HR, especially if there are code modifications in the future.

Mr. Quaid said that he read the materials and found them to be an excellent power point training on ethics for the County’s employees.

Ms. Quintana said she would be reviewing the slide deck again to ensure continuity and accuracy, and will forward the finalized document to Ms. Romo. The next orientation is December 12th and she hoped to use this updated version.

Chair Thompson thanked HR for allowing this board the opportunity to assist in updating the training.

Mr. Coplans added that some training is better than none, and he felt that the code was just the “tip of the iceberg” with training as the next layer. He was supportive of any effort to enhance the ethical culture of the County. A future discussion of the board should be the training of the County Commissioners and other elected officials. If the County determines to follow through with that training, determining who would conduct it is important.

Ms. Romo said that the County Manager’s Office has committed to use HR’s training for the orientation of the newly-elected officials which will occur in 2023. Ms. Quintana confirmed HR will provide the training during orientation. She added that, although training cannot be mandated for elected officials, it is very common that, for example, the Clerk and Assessor participate in training with their department employees.

Mr. Coplans reminded the board that, since the code was first promulgated in 2010, there have been no complaints submitted.

VI. Other Business

None was presented.

VII. Matters from the Public [Staff worked with the public in a County conference room to improve audibility.]

Chris Michels introduced himself as a retired Los Alamos person whose interest in ethics began there. He has been reviewing ethics-related codes around the state and said, referring to Santa Fe County, that, “frankly, you don’t show very well.” He recommended the board review Doña Ana County’s code of conduct and ethics. The first thing that needs to be addressed, stated Mr. Michels, is the safety of the individual bringing a complaint forward. Doña Ana has a confidential ethics line for filing complaints that does not compromise safety. Also, when a complaint comes in to Doña Ana County it is processed confidentially, and is forwarded to the board of commissioners who make an evaluation to ascertain merit. If it deemed to have merit, the board directs the county manager to hire an outside investigator.

Mr. Michels said he recently requested Santa Fe County identify the attorney who would deal with an ethics complaint, and was not provided a name, nor did the County provide a name for the ethics official they would hire to process the complaint. He repeated that the County has instituted a “very dangerous” situation for a complainant. He went on to say that the role of the county attorney is to protect the county manager, and he urged the board to “learn from Doña Ana.”

Mr. Michels identified an additional problem: the County’s website. The minutes of this board were not posted and thus readily available for the public. Ms. Romo did provide the minutes to him. “Santa Fe County is doing a miserable job of putting information on the website ... it’s a bloody disgrace.”

Mr. Michels mentioned that he forwarded a link regarding Sheldon Weinstein's complaint of the County's Ethics Board. He urged the board to read the material.

Also present was Jan Boyer, a 39-year resident of Santa Fe, who stated that she and several other people are concerned about ethics in government. She said she supports everything Mr. Michels said, and she urged the board to listen to his points.

Chair Thompson recalled that a previous assistant county attorney cautioned against anonymous complaints, noting the harm it can do to the target. Assistant Attorney Sanchez apologized that he was a fairly recent hire at the County, and did not know the history on the code. He noted that the County Attorney's office has no discretion in reviewing the complaints, other than ascertaining whether it has been sworn to as required by the code of conduct. The County's ethics official is an independent, third-party attorney who makes the decision regarding an allegation of a violation of the code of conduct. The complaint would be against an elected official, appointed official or volunteer. If the complaint is against an employee, County HR will handle it.

Mr. Coplans said that it would be useful for this board to meet the ethics official. Chair Thompson said the official is hired on an as-needed basis. Mr. Sanchez pointed out that the code of conduct requires the County Attorney to make a quarterly report to this board on the number of complaints that have been made, and to date, there have been no complaints. He said there was a complaint against an employee that was forwarded to HR.

Mr. Michels interjected that there is no "impartiality" with an ethics official unless the County hires that official for one time only. Otherwise that individual will want to retain the position and is no longer impartial.

Mr. Michels and Ms. Boyer thanked the board for their attention.

Mr. Coplans said that this board needs to help the County Commissioners enhance and advance the County's culture of ethics.

Speaking as a 40-year resident of Santa Fe, Chair Thompson said Santa Fe County has an excellent record regarding ethics issues. Just because there have been no complaints does not mean something is wrong; instead she said, "something is right."

Mr. Coplans said he had that view when he was in the private industry when there were no complaints. He discovered that employees were fearful to raise issues. He took five or six years to implement improvements that resulted in the company being recognized as one of the most ethical companies in the world.

Chair Thompson recommended that in 2023 this board continue to track the training and have feedback on the elected officials training.

Mr. Michels said that some years ago he tried unsuccessfully to get information from the County about training at the detention center. He went on to say that the County Attorney at that time blocked him from getting any information.

VIII. Adjourn

Prior to adjourning, the board discussed possible dates for the first 2023 meeting. It was decided that after February 20th would be best, perhaps receiving feedback on how trainings went for elected officials and employees.

Upon motion by Mr. Coplans and second by Mr. Maison, this meeting was declared adjourned at 4:20 p.m.

Approved by:

Carol Thompson
Ethics Board President

Respectfully submitted:


Karen Farrell, Wordswork