

MINUTES OF THE
SANTA FE COUNTY
ETHICS BOARD

December 16, 2025

Santa Fe, New Mexico

1. **Call to Order:** This special meeting of the Santa Fe County Ethics Board was called to order by Chair Tom Quaid, at approximately 4:00 p.m. on the above-cited date at the County Administration Complex, Grant Conference Room, 100 Catron Street, Santa Fe.
2. **Roll Call:** The following members were present indicating a quorum:

Members Present:

Tom Quaid
Daniel Coyne
Elinor Hoover
Marcia Mikulak

Member(s) Absent:

Jesse Guillen

County Staff Present:

Gabe Bustos, Staff Liaison
Peter Valencia, Assistant County Attorney
Trey Pereyra, Human Resources Division

Others Present:

Chris Mechels [virtually]

3. **Approval of Agenda**

Ms. Hoover moved to approve the agenda as published, and Mr. Coyne seconded. The motion carried without opposition [4-0].

4. **Approval of the Minutes: November 12, 2025 Meeting Minutes**

The following corrections were noted:

Page 1: Last line contains two periods
Page 2: Last line contains a floating “e”

Mr. Coyne moved to adopt the minutes as corrected. Ms. Mikulak seconded and the motion passed by unanimous [4-0] voice vote.

5. Public Comment

Chair Quaid set five-minutes for anyone wishing to speak from the public.

Chris Mechels advised the Board to speak directly to the hearing “spud” in the center of the table; otherwise, his rights to hear are being violated. He said that Las Cruces hired a consultant to look at the Santa Fe County’s Code of Conduct Ordinance and adopted it with “useful” modifications. He recommended the Board review those modifications for ideas on improving the process.

Mr. Mechels pointed out that the November minutes were cursory and very inaccurate. Many of the important points of the last meeting were not in the minutes. One of the things missing was his assertion that the Board was not following the current rules of order. The Board of County Commissioners has not followed their own rules of order for years and he asked that this Board consider “what kind of ethical problems does that bring up for the County Commission to not follow its own resolutions...and how do resolutions passed by the Board of County Commissioners get enforced?”

The Chair thanked Mr. Mechels for his comments.

6. County Employee Ethics Training Overview [*Exhibit 1: Santa Fe County Ethics, Anti-Harassment, and Workplace Violence*]

Trey Pereyra, Human Resources Division, said his role at the County focuses on training for employee development. The document presented by Mr. Pereyra [*Exhibit 1*] highlights how the ordinance and current policies are translated to train County employees to ensure those policies are practiced. He provided a high-level overview of the training:

- There is active participation in the classes
- Trainees are encouraged to view ethics as a whole in their life rather than merely at the workplace
- There is discussion of ethical behavior and how to be mindful of ethics throughout their daily lives
- The importance of abiding by rules and taking accountability are discussed
- Discussions regarding discrimination, retaliation, harassment are an ongoing component within the training that are applicable to elected officials, appointed officials, full time/part time employees, temporary and casual employees and volunteers
- The training categorized different types of ethical misconduct to include – conflict of interest, gifts, misconduct, confidentiality, misuse of title, political activities
- The training identifies the steps for reporting procedures regarding misconduct

There was confirmation that the Ethics Board hears cases having to do with elected officials, appointed officials or volunteers. Employees go through the County’s HR.

Mr. Pereyra emphasized there is a level of accountability regardless of position or title and this annual training is a requirement of all County personnel regardless of position. Ethics matter to maintain trust with the public and constitutes. Conflict of interest forms are signed on an annual basis.

Mr. Valencia noted that violations that may have occurred outside of a two-year period are beyond the jurisdiction of the Ethics Board.

Mr. Valencia referred to Ordinance 2023-03, Section 18 B, which requires appointed officials to file a conflict of interest and financial disclosure statement on an annual basis before January 11th of each year. Mr. Bustos said he will review the files and ensure the forms are up to date.

Board members expressed an interest in attending a training and staff offered to arrange that.

Mr. Pereyra excused himself from the remainder of the meeting.

7. Open Meeting Act and County Rules of Order Training
[*Exhibit 2: Open Meetings Act Training*]

Mr. Valencia said that, while the County does not strictly follow Roberts Rules of Order, they do abide by an Open Meeting Act Resolution, enacted annually; Rules of Order Resolution No. 2009-2 and Santa Fe County Code of Conduct No. 2022-03. The County follows the statutory requirements and deadlines outlined in the state's Open Meetings Act/OMA. [The ordinance and resolution are posted at santafecountynm.gov]

Mr. Valencia provided an overview of types of meetings subjected to OMA noting that all meetings of a quorum are required to be open to and observable by the public at all times. There are some exceptions that Mr. Valencia said could be discussed if those circumstances were to come up, i.e., emergency meeting. The County's OMA resolution follows the State requiring the posting in a conspicuous and appropriate place of notice of a regular meeting at least 10 days prior to the meeting. Typically, the Ethics Board holds special meetings which may be called by the chair or by a majority of its members, with notice at least three days before and includes the same posting as noted above for regular meetings. Emergency meetings, which are to be avoided whenever possible, are considered when in the event of not holding that meeting would likely result in injury or damage to a person or property or substantial financial loss to the County, 24- hour notice is required.

OMA requires that the agenda list specific items of business to be discussed or transacted, items cannot be too vague or too general and except of emergency matters, action shall be taken only on items on the final agenda. Mr. Valencia explained the notion is to ensure the public is aware of agenda items.

Referring to rolling quorums, this occurs when members of a public body discuss official business in a series of smaller, separate, unofficial communications to reach a collective decision, circumventing open meeting laws that require public notice and participation. This

practice creates a quorum outside of a properly noticed public meeting, violating transparency rules and potentially leading to legal penalties, as it allows decisions to be made without the public present or aware. Staff emails or memoranda are not considered rolling quorum; however, any reply to the email should be staff alone, not “reply all.” Agenda briefings with staff of less than a quorum is not considered a rolling quorum.

In terms of suggesting agenda items, Board members should email Mr. Bustos and he will send out a reminder email to the members soliciting agenda items. The chair will review those recommended agenda items. And if an item is not included, that can be discussed at the meeting.

Any actions taken by a body in violation of the OMA are invalid, i.e., acting on an item not contained on the agenda. OMA violations are considered a misdemeanor with a fine of \$500. Enforcement of the OMA is done by the NMAG, First Judicial DA, and private individuals. He outlined the enforcement process noting that the County would have 15 days following a notice of violation to act on the issue.

In regard to how Santa Fe County processes items on the agenda [Resolution No. 2009-2], Mr. Valencia outlined that process noting that staff makes the presentation, staff responds to Board questions, and that public input and Board discussion is at the discretion of the chair.

In his experience, Mr. Valencia said that there has not been a sworn complaint to reach the Board. If that were to occur, he would request the opportunity to present an in-depth review of the administrative adjudicatory process that would cover a sworn complaint. He provided a cursory review of that process. A question of whether union representation would be present at such a proceeding came up and Mr. Valencia said he was unaware of any union representing the categories that this Board will act upon. Public hearings are required for alleged violations of the Santa Fe County Code of Conduct brought by a sworn complaint and the rules of procedure shall be consistent with the rules of conducting administrative hearings.

The duties and powers of the chair were outlined by Mr. Valencia, noting that the chair is given considerable discretion on how to run the meeting. Only members of the Board may raise questions of order and the purpose would be to call the chair’s attention to a possible rule violation. A question of order takes precedence over any pending matter. The chair decides whether the question of order is valid although the chair can seek advice of others.

Mr. Valencia recommended that the Board members read over Resolution 2009-2 and he repeated that for an adjudicatory proceeding, he will provide a full briefing on the rule to ensure the Board is comfortable and knowledgeable with their role. The main purpose of this Board is to adjudicate those complaints.

Chair Quaid said the Santa Fe County Communications Office Guidelines for Responding to Media Requests may be a valuable document for the Board to review. Mr. Valencia said he would review the document and asked Mr. Bustos to disseminate it to the members.

8. Other Business

Mr. Coyne requested additional clarification regarding Resolution #2009-2, Section C3, regarding public input as an agenda item for the next meeting.

Ms. Mikulak requested a review of the new complaint form.

In response to Chair Quaid's desire for the members to become more familiar with each other, Mr. Valencia said the members could get together but cannot discuss Ethics Board business in any way.

9. Adjournment

Having completed the agenda, Mr. Coyne moved to adjourn. Ms. Hoover seconded and upon unanimous voice vote, the meeting was declared adjourned at approximately 5:00 p.m.

Approved by:

Tom Quaid, Chair
Ethics Board

Respectfully submitted by:
Karen Farrell, Wordswork

D R A F T

SUBJECT TO APPROVAL