

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

**Santa Fe, New Mexico**

**April 21, 2015**

**I.** This meeting of the Santa Fe County Ethics Board was convened by Acting Chair Bill Heimbach, on the above-cited date at approximately 3:02 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:**

Bill Heimbach, Chair  
Carol Thompson  
William Peyton George  
Laura Katz  
Sheldon Weinstein

**Member(s) Excused:**

[None]

**Others Present:**

Willie Brown, Assistant County Attorney  
Lisa Katonak, Manager's Office

**III. Approval of Agenda**

Upon motion by Ms. Thompson and second by Mr. George the agenda was unanimously [5-0] approved.

**IV. Approval of August 13, 2014 Minutes**

Mr. George moved approval of the agenda as published and Ms. Thompson seconded. The minutes were unanimously approved as published.

**V. Introduction of New Ethics Board Members**

Laura Katz stated she was a local attorney practicing in water and environmental law.

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Sheldon Weinstein said he has retired after practicing law for 43 years in St. Louis and now lives in Santa Fe.

## **VI. Election of Chair and Vice Chair for the Ethics Board**

Mr. George nominated Mr. Heimbach, and Ms. Thompson seconded. The nomination carried unanimously and there being no other nominations Bill Heimbach was elected chair by acclamation.

Mr. George nominated Ms. Thompson to serve as vice chair. Mr. George was nominated and withdrew. Ms. Thompson was unanimously elected vice chair.

## **VII. Overview of the Ethics Board's Roles and Duties**

Mr. Brown began with a review of Section 24 of the Ordinance where the basic duties are outlined. The process begins with a sworn complaint, which goes first to the County Attorney and thence to the Contract Ethics Official. A public hearing then takes place.

Subsection 24.E speaks of the procedures but the comprehensive amendments were not voted on by the Board of County Commissioners.

Subsection 24.F incorrectly grants this board the authority to issue subpoenas. Since authority for this board comes from the County Commission, which does not have that authority, therefore it is not allowed to grant that authority. Only home rule counties have subpoena authority.

Subsection 24.G points out that Ethics Board purview included elected officials, appointed officials and volunteers. It does not extend to employees, who are covered by the handbook and bound by the Code of Conduct.

Subsection 24.H speaks of the three options for penalties. Mr. Brown suggested other agencies could be mentioned such as the Attorney General or a licensing agency.

Subsection 24.I, Mr. Brown said the wording of this is confusing in how it refers to time limitations and this could be revisited at some point in the future.

Subsection 24.J treats the Ethics Board acting in an advisory capacity when requested to do so by an elected or appointed official or employee. Volunteers and members of the public are not included. Mr. Brown said those opinions when given should be in writing.

Subsection 24.K has to do with reporting on a quarterly basis to the BCC regarding the number of complaints that have been made. To date, no sworn complaints have been received.

A discussion ensued regarding reports to the Commission. Ms. Katonak outlined the previous attempt to get the amendments to the Code of Conduct passed. Authorization was given to publish title and general summary but the issue was subsequently tabled. She speculated that the extensive use of color coding was confusing and she suggested using a different approach before requesting action.

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Mr. Brown said the issue of disclosing conflicts of interest elicited a great deal of comment. He recommended bringing forward only the non-controversial elements. Ms. Katonak said it might be possible to have a conversation with the Commission about the work plan, including things like the updated financial disclosure form, rather than starting in on the amendments.

Mr. Brown stated one task for the future would be establishing an online complaint form. He pointed out this board falls under the regulations of the Open Meetings Act, which is available on line for reference.

Mr. Brown broached a number of non-controversial areas that the board might want to consider for presentation to the BCC:

- Online complaint form
- Parliamentary procedure
- Definition of “candidate,” “elected official,” and eliminate County Surveyor in Section 4
- In Section 8 current language has been superseded by the amended Governmental Conduct Act
- Section 14, regarding misuse of County property, gives rise to First Amendment issues
- Political activity discussed in Section 17, the effective date needs to be stricken
- Section 23, the fact that the ordinance does not apply to employees needs to be stressed in no uncertain terms
- Section 24.G, there is no authority to issue subpoenas
- Language in Section 24.H should not read “is guilty”

Ms. Thompson moved to adopt this list. Mr. George seconded and the motion carried unanimously.

#### **VIII. Consider Adoption of an Ethics Board Work Plan**

Mr. Brown said he would work on having a clean, simplified copy of the ordinance.

It was agreed to hold the next meeting on Tuesday, June 2, 2015 at 3:00 pm.

#### **IX. Matters from the Board**

Mr. Weinstein asked about the contract hearing officer and Mr. Brown stated Diane Garrity had served in that capacity in the past. He was unsure whether or not her contract had expired.


#### **X. Matters from the Public**

None were presented.


**XI. Adjournment**

Following motion by Mr. George and second by Ms. Thompson, Chair Heimbach declared the meeting adjourned at 4:05 pm.

Approved by:

  
Bill Heimbach, Chair  
Santa Fe County Board of Ethics

ATTEST TO:

  
COUNTY CLERK

Respectfully submitted by:

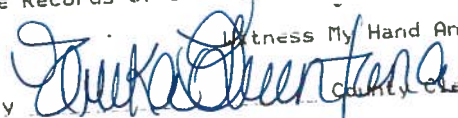
  
Debbie Doyle, Wordswork



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 3RD Day Of November, 2015 at 09:38:27 AM  
And Was Duly Recorded as Instrument # 1778759  
Of The Records Of Santa Fe County

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

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