

MINUTES OF THE
SANTA FE COUNTY
ETHICS BOARD

January 3, 2024

Santa Fe, New Mexico

1. This meeting of the Santa Fe County Ethics Board was called to order by Chair Jonelle Maison at approximately 5:33 p.m. on the above-cited date at the County Administration Complex, Johnson Street Conference Room, 100 Catron Street, Santa Fe.
2. Roll was called and the following members were present and affirmed the meeting was properly called:

Members Present:

Jonelle Maison, Chair
Clifford Rees, Vice Chair
Frances Carlson
Jesse Guillen
Tom Quaid

Member(s) Absent:

None

County Staff Present:

Gabe Bustos, Staff Liaison
Estevan Sanchez, Assistant County Attorney
Sara Smith, Operations Director (via Webex)
Valerie Park, Human Resources Director
Jessica Lopez, Human Resources

Others Present:

Chris Mechels

3. **Approval of Agenda**

Mr. Rees moved to approve the agenda as published and Mr. Quaid seconded. The motion carried without opposition.

4. **Approval of the Minutes: November 1, 2023**

Chair Maison noted there were some technical non-substantive corrections which she presented to the recorder. With those changes, Mrs. Carlson moved to approve the minutes. Mr. Guillen seconded and the minutes were approved by unanimous [5-0] voice vote.

5. **Presentation Concerning Santa Fe County Employees Ethics Training**

Jessica Lopez from the County's Human Resources Department mentioned some concerns that have arisen regarding the training that all employees receive, specifically that it is wordy and repetitive. She indicated there are always questions concerning the section on gifts. Another area of confusion is employment following leaving the County. Examples are always helpful. A separate hour-long session treats workplace harassment.

Ms. Lopez stated all employees are required to take the training upon new employee orientation and annually after that. She offered to email copies of the training to Ethics Board members. The section on political activities is clear.

Valerie Park, HR Director, said examples during the training are tailored to the groups. She brought up the ambiguity around gifts. Donuts shared with the coworkers is generally considered *de minimus*, although discouraged. Gifts to higher level employees who may have a role in procurement decisions are not acceptable.

Ms. Lopez distributed a typical handout from the training. *[Exhibit 1]*

Ms. Park stated the trainings can be online or in person. The ethics training lasts one hour, as does the harassment training.

In response to Mr. Rees' remarks, Ms. Park agreed that some employees feel the training is unnecessary, but they are informed it is required. Following training, which can be tweaked from year to year, they are required to sign a document affirming they understand the presentation.

Assistant County Attorney Estevan Sanchez pointed out that after the Code of Conduct was amended in 2022 this board met with representatives of HR with the intent of coordinating material in the training.

Chair Maison offered the help of the board in clarifying any matters in the training where ambiguity exists.

Chris Mechels from the public stated failure to properly perform job duties is an ethical violation.

Ms. Lopez said customer service and core values are emphasized in the training. This encompasses accountability, honesty, respect and customer service, which can apply to fellow employees as well.

Mrs. Carlson asked if supervisors were held accountable for their employees' compliance with the rules. Ms. Parks said there is built in performance evaluation with milestones.

Mr. Rees mentioned there are other mechanisms in place to ensure employees' performance standards.

Mr. Quaid asked how they could help with the training's verbosity and repetition. Ms. Park said examples at a variety of levels are welcome. The trainings are tailored to different groups.

Mr. Mechels suggested asking the employees if they believe the government is acting ethically, and asking the participants how they teach their children ethics.

Mr. Rees said he understood the Gift Act only applies to state officials, but gifts are referred to under "anything of value".

Mr. Sanchez stressed this board does not have jurisdiction over employees.

Ms. Park invited the board members to take the training online or to attend an in-person training and she offered to provide the schedule.

Standard disclosure forms [*Exhibit 2*] were provided to the board members, which were completed and notarized.

6. Overview of Santa Fe County Organizational Chart [*Exhibit 3*]

Copies of the County's simplified organizational chart were distributed and Mr. Sanchez explained there are more detailed org charts for each department.

7. 2024 Santa Fe County Ethics Board Objectives

Mr. Rees had requested a "brainstorming" session on the goals and role of this board. In speaking with Commissioner Greene, the idea arose of every County board and committee reporting accomplishments to the BCC and learning what the Commission expects of that committee. Mr. Sanchez explained that the County Manager controls the agenda, along with the Commission, and material must be presented two weeks in advance.

Mr. Rees asked why this board has never heard a case, and requested a policy discussion with the CCEO, the County's Contract Ethics Official to hear about complaints registered and their disposition. Chair Maison noted that completion of the ordinance took years and years. She added that the bulk of County personnel is not subject to the ordinance.

Mr. Sanchez indicated there were three complaints last year, two against employees. The complaint against a former elected official was determined not to be a violation of the Code of Conduct as alleged. The County has a contract with a number of attorneys who can serve as the CCEO.

Mr. Rees asked about other aspects of this board. Mr. Sanchez said the official duties are 1) providing recommendations on the Code of Conduct; 2) giving advisory opinions to elected officials, which are public; and 3) hearing complaints. In the past the board has suggested changes to training and the County's website, and suggesting development of a complaint form.

In reviewing other ethics boards in the state, Mr. Rees noted that some do have a complaint form. Mr. Sanchez stated currently the complaints are written free-form and must be sworn and notarized.

Mrs. Carlson pointed out that in her experience police reports have to be certified, and she and Chair Maison noted that could be a deterrent to submission of a complaint. There was agreement that review of the complaint process could be a goal, along with establishment of a form. Processes of other entities can be reviewed.

Mr. Sanchez said the Code of Conduct currently does not require a form, but it could be convenient for those wishing to use one.

Mr. Rees noted that he researched other local governments. The State Ethics Commission has a legal requirement to do education and training, which this body could make use of, possibly in a hybrid format. A further goal would be to review of campaign issues.

Mr. Sanchez stated this was originally treated in the Code of Conduct and removed to defer to State campaign finance law.

Mr. Sanchez said the Secretary of State has control over consolidated local elections and the Santa Fe County Clerk administers those elections.

Mr. Rees said the City of Santa Fe has an Ethics and Campaign Review Board that has received complaints about things like PACs and deals with gaps in State law.

8. Matters from the Public

Mr. Mechels recommended the board review previous minutes which date back to 2011 to understand the history. He said the County fought having this board review complaints about employees, not the unions. The minutes are not online and he obtained copies through IPRA. He found the best regulations are from Las Cruces; Santa Fe has the worst due to the difficulty and danger of making a complaint. This board has no power.

Additionally, Mr. Mechels said previous members of the board could contribute their complaints about the process. In Las Cruces people do submit complaints. A further concern was chronic problems with the Open Meetings Act throughout the state. The current meeting violates the rules, being scheduled as a special meeting. There should be a ten-day notice for a regular meeting. He will be filing a Rules Act violation on this meeting. The County has not updated their Open Meetings Act for 11 years, and generally it is rubber-stamped by the Commission.

Mr. Mechels urged the board members to “fight the fight” and hoped that Santa Fe would have an Ethics Board that people would look up to.

9. Announcements

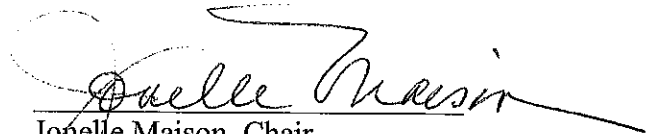
Following discussion, it was agreed to hold the meeting on March 6, 2024 at a new time, 4:30 p.m.

Mr. Guillen requested that Matters from the Board be added to the agendas in the future.

10. Adjournment

Upon motion by Mr. Rees and second by Mrs. Carlson, and with no further matters to come before this body, the meeting was declared adjourned at approximately 7:03 p.m.

Approved by:

A handwritten signature in cursive script, reading "Jonelle Maison", written over a horizontal line.

Jonelle Maison, Chair
Ethics Board

Respectfully submitted by:

Debbie Doyle, Wordswork