



# Welcome to Ethics Training for Santa Fe County Elected Officials, Appointed Officials, Employees and Volunteers

# Agenda

- Discuss Meaning of Ethics
  - The embodiment (visionary idea) of values a person or organization feels are important.
  - A Code of Ethics is a set of principles and rules used by individuals and organizations to govern their decision making process, as well as to distinguish right from wrong.
  - Expectations for proper conduct and appropriate action.
- Discuss Benefits of Ethical Behavior
  - Establishing trust in County business policies and procedures, County Elected Officials, Appointed Officials, Employees and Volunteer services.
- Review of Santa Fe County Code of Conduct
  - Ordinance 2022-03 establishes a Code of Conduct and minimum standards of ethical behavior for all Elected Officials, Appointed Officials, Employee and Volunteers of County government.

# Benefits of Ethics Code

- Sets forth clear expectations of conduct and ethical behavior.
- Explicitly describes acts that are inconsistent with these standards.
- Requires candidates, elected officials, appointed officials, employees and Volunteers to disclose personal interests, financial or otherwise, in matters of the County and to remove themselves from decision – making when such interest exist.
- Maintains trust of constituents (voters, taxpayers, public).
- Builds trust and increased morale within the County.
- Can increase organizational commitment, job satisfaction and employee performance.
- Ethics and Integrity is everyone's business.



# Santa Fe County Code of Conduct

- The Santa Fe County Code of Conduct establishes a code of conduct and minimum standards of ethical behavior for Elected Officials, Appointed Officials, Employees and Volunteers of Santa Fe County.
- The Code of Conduct applies to you. It is your responsibility to understand and adhere to it.
- Elected Officials, Appointed Officials, Employees and Volunteers hold office employment or the benefit of the Public. Each is bound to the following:
  - Uphold the Constitution of the United States and the Constitutional Laws of the State of New Mexico;
  - Observe the highest standards in the exercise of the powers and duties of office or employment;
  - Impartially carry out their duties;
  - Discharge faithfully the duties of office regardless of personal considerations and;
  - Recognize that the public interest must be the prime objective.

# Santa Fe County Commitments

- Santa Fe County is committed to provide a healthy, safe and productive work environment that is free from discrimination or harassment based on race, color, religion, sex (including pregnancy, sexual orientation and gender identity), genetic information, age, mental or physical disability or national origin.
- You are expected to act professionally and respectfully towards your co-workers, do your part to maintain a healthy, safe and productive work environment and report issues of concern in accordance with the Human Resources Handbook or Santa Fe county Code of Conduct.



# Conduct Avoiding Impropriety

- Avoid conduct that creates the appearance of impropriety.
- Do not engage in conduct that violates the rights of others to be treated fairly and with dignity and respect, including unlawful discrimination and harassment.
  - Harassment includes but is not limited to verbal or physical conduct intended to threaten, intimidate or coerce; verbal or physical conduct intended to threaten, intimidate or coerce, verbal or physical conduct that has the purpose or effect of unreasonably interfering with work performance or that creates an intimidating, hostile or offensive work environment; and the uttering of words, or the display or circulation of written materials that are degrading to persons of a particular sex, race, color, age, national origin, disability, religion or sexual orientation.
- Refrain from conduct, even if lawful, where personal benefit or personal advantage is involved in a way that creates a reasonable inference that such office has been used for that purpose.
- Maintain public trust through transparency.

# Conduct Avoiding Impropriety Continued

- Refrain from conduct, even if lawful, where personal benefit or personal advantage is involved in a way that creates a reasonable inference that such office has been used for that purpose.
- Political Endorsements, support in a political campaign or a promise of an endorsement, political activities, political support, or Anything of Value offered with intent to have an Elected official, Appointed Official, Employee or Volunteer's decision or action on any question, matter, cause or proceeding or appointment influenced thereby and which is pending or might be brought before them in their official capacity are prohibited from being made, accepted or solicited.
- Maintain public trust through transparency.



# Limitations on Employment with and Appearance Before the County Following Government Service

## **Former Elected Officials, Appointed Officials or Employees shall not:**

- Receive compensation to represent a person or any business entity in dealings with Santa Fe County for one year after leaving County service or employment;
- Represent a person or any business entity in dealings with Santa Fe County after leaving County service or employment on a matter in which that person participated personally and substantially while an Elected Official, Appointed Official or Employee.

Santa Fe County shall not enter into a contract, memoranda of understanding or other action favorably affecting any person or business that is:

- Represented personally in the matter by a person who was serving as an Elected Official, Appointed Official or Employee within the proceeding year, if the value of the contract or action is greater than one thousand dollars (\$1,000) and the contract was a direct result of an official act by the Elected Official or Employee; or
- Assisted in the transaction by a former Elected official, Appointed Official or Employee whose official act, while in service of or employment with the County, directly resulted in the County making that contract or taking that action.



# Ex Parte Communications

- An ex parte communication occurs when a party to a case, or someone involved with a party, talks to or writes to or otherwise communicates directly with the judge about the issues in the case without the other parties knowledge.
- An Elected Official or Appointed Official is designated to hear an administrative adjudicatory matter pursuant to a County Ordinance including but not limited to the County's Land Development Code, shall not initiate, permit or consider an ex parte communication.
- An Elected Official or Appointed Official who receives or who makes or causes to be made a communication prohibited by the Santa Fe County Code of Conduct shall disclose the communication to all parties and give other parties an opportunity to respond.

# Conflict of Interest

- A Conflict of Interest occurs when a person is in a position to derive personal benefit from actions or decisions made in their official capacity.
  - Avoid any situation that would result in a conflict of interest.
  - Where a conflict of interest is unavoidable, the Elected Official, Appointed Officials, Employee or Volunteer has an affirmative duty to disclose the conflict of interest and subordinate the conflicting interest to the public interest.
- Elected Officials, Appointed Officials, Employees and Volunteers must exercise their powers, duties and prerogatives without prejudice or favoritism. They shall not hire, promote or otherwise reward family members, friends or political supporters or hinder or punish enemies and opponents.
- Elected Officials, Appointed Officials, Employees and Volunteers shall ensure that constituents and others who may be affected by decisions of the County have a fair and reasonable opportunity to express their concerns, grievances and ideas.



# Gifts of Anything of Value

- It is not acceptable to solicit or receive gifts, personal benefits, favors, gratuities, cash or cash equivalents or political or charitable contributions or “anything of value” under circumstances that create a reasonable belief that special access, services, favors, or official or unofficial actions will be provided as a result. This includes not accepting anything nor soliciting anything of value from anyone doing business with Santa Fe County, anyone who desires to do business, contracts with, is regulated by or has an application pending approval by Santa Fe County.
- It is not acceptable to accept offers of any entertainment, meals and beverages under the following circumstances:
  - Regulated by Santa Fe County, or;
  - Contracts with the County to provide financial services involving the investment of public money or issuance of bonds for public events; or
  - Is prohibited from giving campaign contributions or other things of value by New Mexico law.
- It is acceptable to attend public events in your capacity as an Elected or Appointed Official, Employee or Volunteer where entertainment, meals and beverages valued at less than \$250 are provided to you.
- **Please note:** Any offer of a gift, including anything of value that reasonably appears to have been intended to improperly influence any County governmental action must be firmly declined. If the attempt to improperly influence is clear, the person receiving the offer must unequivocally reject the offer and must report this to the appropriate law enforcement agency.

# Conflict of Interest Examples

- Hiring an unqualified relative to provide services your Department needs.
- Taking advantage of confidential information learned on the job for your own benefit.
- Failing to investigate a subordinate or coworker's wrongdoing because they are also your friend.
- Making a purchase or business choice to boost a business that you have a stake in.
- Accepting a favor or a gift from a client above the amount specified as acceptable by the County.
- Dating or having a romantic relationship with a supervisor or subordinate employee.
- Contracting or making decisions as part of a contract with a business that sells goods and services to the County.
- Accepting anything of value not allowed within the County Code of Conduct.

# Confidential Information

- Elected Officials, Appointed Officials, Employees and Volunteers shall not disclose or use confidential information maintained by the County without prior written authorization.
- The use of confidential information for private gain is prohibited.
- Maintaining Confidential Information
  - Ensure confidential information is locked away at night and not left unattended during the day.
  - Password protect sensitive files.
  - Marking confidential information clearly as such.
  - Only disclose confidential information to those who need to know.
  - Shred and dispose of confidential information accurately.





# Misuse of County Property and Resources for Private Gain or Personal Benefit

- Elected Officials, Appointed Officials, Employees and Volunteers shall not use County property for any personal benefit or nongovernmental purpose except as specifically provided by law.
  - County property includes County funds, time, facilities, property, equipment, mailing lists, computer data, services or any other government asset or resource.
- Elected Officials, Appointed Officials, Employees and Volunteers shall not seek, accept, use allocate, grant or award public funds for a purpose other than that authorized by law or make a false statement in connection with a claim, request or application for compensation reimbursement or travel allowances from public funds.
- An employee shall not be asked or allowed to perform personal services for an Elected Official or Appointed Official. An Elected or Appointed Official shall not require an employee to perform personal services or assist in a private activity except in unusual and infrequent situations where the person's service is reasonably necessary to permit the Elected Official or Appointed Official to perform official duties.

# County Resource Use

- Yes - Official Duties
  - Use that is related to your official duties.
- Maybe - Personal Use under Very Limited Circumstances
  - Little or no cost to the County, no interference with official duties, brief in duration and frequency, cost is so nominal that reimbursement procedures would not be justified and the use does not create the appearance of improper influence.
- **NO** – Prohibited Uses
  - Outside business interests, illegal or unprofessional uses and political activities.

Remember that public employees have a duty to conserve public resources and funds!

# Misuse of Title or Prestige of Office for Private Gain or Personal Benefit

- Elected Officials, Appointed Officials, Employees and Volunteers shall not use, induce, cause or encourage others to use the authority, title, official letterhead or prestige of their office or services for his or her own private gain or personal advantage.
- Elected Officials, Appointed Officials, Employees and Volunteers shall not solicit or accept anything of value under terms and conditions where the compensation is not commensurate with the services performed or where a reasonable person would believe that the authority, title or prestige of office had been exploited.
- It is unlawful for an employee who is participating directly or indirectly in the contracting process to become or to be an employee of any person or business contracting with the County while also an employee with the County.

# Political Activities

- An employee with contract management authority, property management authority or land use authority shall not serve as a paid political consultant, a campaign treasurer or as a member of the political fundraising committee of a candidate for federal, state, municipal or County office or Elected Official.
- Employees shall not perform any political activity during any compensated time.
- A candidate, ex Appointed Official, another Employee or Volunteer shall not require an employee to perform political activity as part of their duties or as a condition of County employment.
- An employee shall not be required to participate in political activity.
- Employees may engage in political activities of the employees choosing when not on duty.
- No candidate shall engage in any conduct that would, to an objective third-party, constitute an undue threat to an employees continued employment.
- Employees who receive compensation or reimbursement from a candidate or political campaign on behalf of a candidate in excess of a total of two hundred fifty dollars (\$250) per campaign are required to report this compensation or reimbursement to the County manager in writing. The written notification must include disclosure of the nature of the compensation or reimbursement.

# Economic Disclosure

- Elected Officials, Appointed Officials, employees and volunteers must complete an Economic Interest Form within 10 day of becoming a County Official or employee.
- Amended statements shall be filed before January 11 of each year.
- Any changes must be reported and filed upon the change.
- Employees and volunteers must disclose outside employment to Human Resources and their immediate supervisor.



# Coercion

- A candidate, Elected Official, Appointed Official, Employee or Volunteer shall not compel, coerce or intimidate any Elected Official, Appointed official, Employee or Volunteer to make, or refrain from making, any political contribution.
- An Elected official shall not, directly or by authorizing another to act on the Elected Official's behalf, state or imply that the Elected Official's willingness to meet with a person is dependent on the person making a campaign contribution, donating to a cause favored by the Elected Official or providing anything of value to the Elected Official.
- An Elected Official shall not directly or by authorizing anyone else to act on the Elected Official's behalf:
  - Agree or threaten to take or withhold any County governmental action as a result of a person's decision to provide or not provide a political contribution;
  - State or imply that the Elected official will perform or refrain from performing a lawful constituent services as a result of a person's decision to provide or not provide a political contribution;
  - Agree to participate in a scheme or plan intended to evade the requirements of any applicable state ethics statutes, the Santa Fe County Code of Conduct or another financial disclosure provision of state law or County law; or
  - Accept a contribution given or offered in violation of any applicable state ethics statutes or the Santa Fe County Code of Conduct.

# Resolving Ethics Violations

- To report an Ethics Violation, you should submit a sworn complaint alleging unethical conduct to the County's Ethics Board. The complaint would be delivered to the County Attorney's office alleging facts that, if proven would constitute a violation of the Santa Fe County Code of Conduct.
  - **Report Violation to:** Santa Fe County Attorney's Office, 102 Grant Avenue, Santa Fe, New Mexico 87504
- The County Attorneys Office will forward all sworn complaints to the County's Contract Ethics official (CCEO).
- Un-sworn complaints will be processed by the County Attorney's Office in accordance with the County's record retention policies after determining whether law enforcement, the County Manager or the Human Resources Director should be notified.
- Sworn complaints submitted more than two (2) years after a violation of the Ethics Code is alleged to have occurred are beyond the jurisdiction of the Ethics Board and shall be returned to the complainant by the CCEO noting that the Ethics Board has not jurisdiction to hear them because of the two-year limitations requirement.

# Non Retaliation

The Board of County Commissioners does not tolerate retaliation, workforce discrimination or harassment of any kind against a person who has reported in good faith a violation of the Santa Fe County Code of Conduct. All Elected Official, Appointed Officials, Employees and Volunteers are specifically prohibited from taking any adverse employment action, engaging in workplace discrimination or harassment of any kind. Or other retaliatory action against anyone for reporting a claim in good faith.

# Summary

- Public service is a public trust.
- Put forth an honest effort in the performance of your duties.
- Use County resources appropriately.
- Abide by the Code of Conduct.
- Re-visit the HR manual regularly.
- Report waste, fraud and abuse.
- Avoid actions that create the appearance that you are violating the law and ethical standards.
- If you are not sure – ASK! We want to help you make the right decision!

# Discussion

