

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

Memorandum

Date: January 10, 2017

To: Board of County Commissioners

From: Tony Flores, Deputy County Manager

Via: Katherine Miller, County Manager

Subject: Appointment of County Commissioners and Staff to Boards and Committees of the following entities: Buckman Direct Diversion, Santa Fe Metropolitan Planning Organization, North Central New Mexico Economic Development District, North Central Regional Transit District, Regional Coalition for LANL Communities, Santa Fe Solid Waste Management Agency, Santa Fe County Investment Committee, Santa Fe County Internal Audit Committee, the Estancia Valley Economic Development Association, and the New Mexico Association of Counties Multi-line and Worker's Compensation Pool Boards.

Background:

On an annual basis the Board of County Commission determines representatives for the following boards and committees:

Buckman Direct Diversion Board (BDD)

Established to oversee the BDD Project, inclusive of establishing the terms and conditions governing the ownership, planning, procurement, financing, permitting, design, construction, operations, allocation of capacity and management of the project.

Representation: Two Commissioners plus one alternate (2 + Alternate)

Meet monthly, first Thursday of every month at 4:15pm

Santa Fe Metropolitan Planning Organization (MPO)

Established to facilitate cooperation, consistency and connectivity between all transportation planning efforts within the Santa Fe Metropolitan area.

Representation: Three Commissioners plus one alternate (3 + Alternate)

Typically meets the last Thursday of every month at 4:30 pm

North Central New Mexico Economic Development District (NCNMEDD)

Addresses economic development issues for the Region and serves as the Economic Development Administration agent and is the lead agency in managing the Regional Economic Development Initiative Network (REDI NET) broadband development project.

Representation: One commissioner plus two alternates (1 + 2 Alternates)

Meet quarterly and other interim meetings as scheduled, procedures are being developed...

North Central Regional Transit District (NCRTD)

Purpose is to develop, plan, promote and operate a sustainable, long term regional public transportation system for its member jurisdictions.

Representation: One Commissioner plus one alternate (1 + 1 Alternate)

Meets first Friday of every month at 9am, Finance subcommittee meets last Friday of every month at 9am

Regional Coalition of LANL Communities

Joint body established to advocate for diverse and sustainable LANL missions, address the environmental, economic, and other opportunities of LANL and serve as a focal point for communication, advocacy and education regarding LANL. Membership includes, Santa Fe County, City of Santa Fe, Los Alamos County, Rio Arriba County, City of Espanola, Taos County and Town of Taos.

Representation: One commissioner plus one alternate (1 + 1 Alternate)

Meet Monthly, the third Thursday of every month (location Varies)

Solid Waste Management Agency (SFSWMA)

Established to adopt and implement rules and procedures with respect to the overall management and operation of the Agency, inclusive of approving the operating budget of the Agency.

Representation: Three Commissioners plus one alternate (3 +1 Alternate)

Meet 3rd Thursday of each month at 5:00 pm

Santa Fe County Investment Committee (SFCIC)

Established to provide on-going oversight of the County's investments, and make recommendations to the Treasurer's investment strategy to maximize income earned on County money while ensuring that the County has sufficient funds to meet its financial obligations as they come due

Representation: Two Commissioners plus one alternate (2 +1 Alternate)

Santa Fe County Internal Audit Committee (SFCIAC)

Established to perform a variety of financial oversight functions on behalf of Santa Fe County and the Board of County Commissioners (BCC); to ensure ongoing BCC involvement with internal controls and finance reporting; and, to ensure that the financial reports presented by Santa Fe County are reliable and fairly present the County's financial position.

Representation: Two Commissioners

Estancia Valley Economic Development Association (EVEDA)

Established to working closely in partnership with local, state, and regional organizations as well as local businesses, realtors, developers, large landowners, and financial institutions to facilitate economic development, EVEDA actively recruits new businesses to and assists in the retention of new businesses in the Estancia Valley. Since 2001, EVEDA has been instrumental in bringing hundreds of new jobs to the valley, which will result in millions of dollars of economic impact, and we have worked successfully to ensure that broadband access is available to businesses seeking to establish operations here in one of Central New Mexico's most promising locales.

Representation: One Commissioner (1)

Meets quarterly and other interim meetings as scheduled

New Mexico Association of Counties (NMAC) Multi Line Board

The NMAC Multi-Line Board of Directors oversees the operation of both the Multi-Line and Law Enforcement Pools.

Representation: County Manager and County Commissioner as non-voting alternate

New Mexico Association of Counties (NMAC) Worker Compensation Pool Board

The Workers' Compensation Pool Board of Directors is comprised of 11 voting members and two ex-officio members.

Representation: County Commissioner and County Manager as non-voting alternate

Summary and Recommended Action:

In order to provide notification to each of the respective Boards, staff is requesting the Board provide members (primary and alternates) for each Board and Committee listed below:

	Roybal	Hansen	Anaya	Hamilton	Moreno	Miller
BDD (2 + 1 Alternate)						
MPO (3 + 1 Alternate)						
NCNMEDD (1 + 2 Alternates)						
NCRTD (1 + 1 Alternate)						
Regional Coalition of LANL Communities (1 + 1 Alternate)						
SFSWMA (3 + 1 Alternate)						
SFCIC (Chair, Vice Chair + 1 Alternate)						
SFCIAC (2)						
EVEDA (1)						
NMAC Multi-Line Board (1 + 1 Alternate - non voting)						XX (Primary)
NMAC Worker Compensation Pool Board (1 + 1 Alternate - non voting)						XX (Alt)

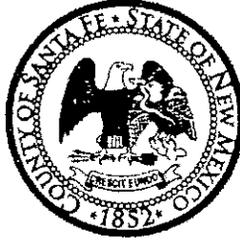
**Please note all Commissioners are seated on the Housing Authority Board. Additionally, if the Extraterritorial Land Use Authority (ELUA) reconvenes, all County Commissioners have a seat on this committee.*



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Commissioner, District 4

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Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

Date: January 10, 2017
To: Board of County Commissioners
Via: Katherine Miller, County Manager
From: Tony Flores, Deputy County Manager
Subject: Appointment of Santa Fe County's Representative to the City of Santa Fe's Film Commission

Background and Summary

The City of Santa Fe passed Resolution 2016-7 (Resolution) which created the Santa Fe Film Commission (Commission) and provides stated support of economic development and job creation in film and digital media.

The purpose of the Commission is to review and make recommendations to the Governing Body of the City of Santa Fe as it relates to film production in and around the City of Santa Fe. Specific duties and responsibilities of the Commission shall be to establish priorities in its operation that work towards the following goals:

- Enhance recognition as a desirable filmmaking destination and increase production in Santa Fe
- Increase post-production and other digital media business as a sustainable industry in Santa Fe
- Diversify the industry base by growing local productions and other complimentary businesses in Santa Fe
- Foster a sustainable year-round industry that employs a skilled workforce in high-wage jobs
- Facilitate increased production spending at local businesses
- Evaluate potential areas of investment and resource allocation and make recommendations on priorities

As provided for in the Resolution, the membership is comprised of four local industry leaders, two film crew representatives, three representatives from educational institutions, two representatives from digital media businesses, two representatives from non-profits working in the industry, **one representative from the County of Santa Fe as chosen by the Santa Fe County Commission**, and two at-large representatives.

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505-995-2740 www.santafecountynm.gov

Recommendation

Due to the resignation of Ms. Susan Fiore as the County's representative (appointed in April 2016), the County received a request from the Commission that the County consider Mr. Lee David Zlotoff as the County's representative.

After a review of the Resolution and its stated purpose, staff is recommending the appointment of Mr. Zlotoff as the Santa Fe County Representative on the City of Santa Fe's Film Commission.

Exhibits:

- A – City of Santa Fe Resolution No. 2016-7
- B – Resume of Mr. Lee David Zlotoff

1 CITY OF SANTA FE NEW MEXICO

2 RESOLUTION NO. 2016-7

3 INTRODUCED BY:

4
5 Mayor Javier M. Gonzales

6 Councilor Peter N. Ives

7 Councilor Signe I. Lindell

8
9
10 A RESOLUTION

11 CREATING THE SANTA FE FILM COMMISSION; AND SUPPORTING ECONOMIC
12 DEVELOPMENT AND JOB CREATION IN FILM AND DIGITAL MEDIA.

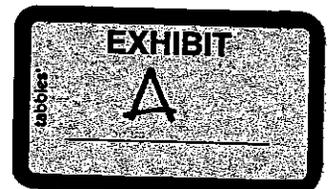
13
14 WHEREAS, New Mexico is a competitive destination for filmmakers, producers and actors
15 looking for opportunities in film; and

16 WHEREAS, Moviemaker Magazine has named Santa Fe, New Mexico as one of its top five
17 towns for film and production in America; and

18 WHEREAS, Santa Fe possesses unique sets of assets for production that include:

- 19
- 20 • Well-established tax credits administered by the State of New Mexico
 - 21 • Low permitting fees and a straightforward permitting process
 - 22 • Robust infrastructure including studios, equipment, and business support services
 - 23 • Diverse and scenic locations with an average of 300 sunny days per year
 - 24 • Extensive local crew and talent
 - 25 • Easy access to and from Los Angeles

Popularity with key decision makers (e.g. directors, producers, actors, writers, location



1 managers); and

2 **WHEREAS**, the City Film Liaison has issued approximately 60 permits per year for the last
3 three years creating not only jobs, sales and rentals, but millions of dollars of free publicity that has
4 propelled Santa Fe to new heights of international recognition while maintaining a cordial
5 relationship and respect for the businesses and neighborhoods where the filming was permitted; and

6 **WHEREAS**, in 2013 Santa Fe County received 16 permits for film and TV productions, and
7 under those permits, payroll exceeded \$20 million for local hires; and

8 **WHEREAS**, in 2013, direct spending from major productions totaled over \$50 million with
9 more than 200 local businesses providing services to the film industry, for an overall estimated
10 economic impact of \$160 million; and

11 **WHEREAS**, the State of New Mexico released a Film Production Tax Incentive (FPTI)
12 Study in July 2014 which found that between 2010 and 2014:

- 13 • Total economic output generated by productions was \$1.53 billion
- 14 • Gross State Product (GSP) generated from production spending was \$968.9 million
- 15 • Total revenue from state and local taxes on production reached \$103.6 million

16 **WHEREAS**, economic development efforts are focused on growing a film economy that
17 employs people in a range of positions; and

18 **WHEREAS**, Shoot Santa Fe has brought together a significant regional coalition of local
19 governments, studios, labor representatives, non-profits, filmmakers and more to do marketing and
20 outreach in the industry; and

21 **WHEREAS**, local film festivals are growing and enhancing the film community and
22 branding for Santa Fe; and

23 **WHEREAS**, workforce development partnerships could be formed with local educational
24 institutions to build a skilled workforce and;

25 **WHEREAS**, increasing film and digital media could enhance the local economy by:

- 1 • Recruiting a greater number of productions to Santa Fe and Northern New Mexico
- 2 • Facilitating the development of homegrown productions
- 3 • Facilitating improved crew training, apprenticeship and internships
- 4 • Increasing production spending at local businesses
- 5 • Diversifying the industry by fostering digital application development, gaming, post
- 6 production and other complementary segments of the industry.

7 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
8 **CITY OF SANTA FE** that the Santa Fe Film Commission is hereby created.

9 **Section 1. NAME:** the commission shall be called the Santa Fe Film Commission
10 ("SFFC").

11 **Section 2. PURPOSE:** The Santa Fe Film Commission shall review and make
12 recommendations to the Governing Body and City staff as it relates to film production in and around
13 the City of Santa Fe.

14 **Section 3: DUTIES AND RESPONSIBILITIES:** The Santa Fe Film Commission
15 shall establish priorities in its operation that work towards the following goals:

- 16 • Enhance recognition as a desirable filmmaking destination, and increase production in
17 Santa Fe.
- 18 • Increase post-production and other digital media business as a sustainable industry in
19 Santa Fe
- 20 • Diversify the industry base by growing local productions and other complimentary
21 businesses in Santa Fe.
- 22 • Foster a sustainable year-round industry, that employs a skilled workforce in high-wage
23 jobs.
- 24 • Facilitate increased production spending at local businesses.

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- Evaluate potential areas of investment and resource allocation and make recommendations on priorities.

Section 4: MEMBERSHIP; OFFICERS:

A. *Membership.* The Commission is comprised of the following membership appointed by the mayor with the approval of the Governing Body:

- Four local industry leaders
- Two film crew representatives
- Three representatives from educational institutions with programs producing talent in the industry
- Two representatives from digital media businesses (video game development and production, alternative/virtual reality, post production, etc.)
- Two representatives from non-profits working in the industry
- One representative from the County of Santa Fe as chosen by the Santa Fe County Commission
- Two at-large members

B. *Officers.* The mayor shall select the chairperson from the appointed members. The chairperson shall designate the vice chairperson.

Section 5. TERMS:

A. *Chair.* Upon being named by the mayor, the chairperson shall serve for a period of one year. Following one year of service, the mayor shall appoint (or re-appoint) the Chair.

B. *Members.* Of the initial appointments, eight of the members shall be appointed for one year terms and the rest shall be appointed for two year terms. Subsequent terms shall be for two years to maintain staggering of terms. Members may serve a

1 maximum three terms. After three consecutive unexcused absences a commission
2 member shall be automatically removed and notified thereof by the chairperson.

3 **Section 6. VACANCIES:** Vacancies on the Santa Fe Film Commission shall be filled
4 in the same manner as initial appointments and shall be for the remainder of the unexpired term. Any
5 member of the commission may be removed by the mayor with the approval of the Governing Body,
6 with or without cause.

7 **Section 7. MEETINGS:** A quorum shall be a majority of the whole membership. The
8 Commission shall meet at least once per month and shall conduct public meetings in accordance with
9 the Open Meetings Act and adopted city policies and procedures.

10 **Section 8. STAFF LIAISON:** The Economic Development Department Director, or his
11 or her designee, shall serve as the primary liaison to the Santa Fe Film Commission. The Director
12 may appoint another staff member to assist with operation of the Santa Fe Film Commission.

13 **BE IT FURTHER RESOLVED,** The Santa Fe Film Commission shall prioritize tasks and
14 develop a plan for carrying out its Purpose, and Duties and Responsibilities as set forth in Sections 2
15 and 3, and cost estimates within six months of being appointed by the Governing Body. The
16 Commission shall oversee the implementation of the work-plan and provide guidance, strategy,
17 identify connections in the industry, and other relevant and pertinent priorities.

18 **BE IT FURTHER RESOLVED,** that six (6) and twelve (12) months from appointment, the
19 Commission will report to Governing Body on the progress made, lessons learned, and
20 recommendations for next steps.

21 **BE IT FURTHER RESOLVED** that \$50,000 shall be the initial budget for the Santa Fe
22 Film Commission to recommend allocating in targeted areas in order to execute its mission

23 **PASSED, APPROVED, and ADOPTED** this 13th day of January, 2015.
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25

Javier M. Gonzales

JAVIER M. GONZALES, MAYOR

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ATTEST:

Yolanda Y. Vigil
YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

Kelley A. Brennan
KELLEY BRENNAN, CITY ATTORNEY

Lee David Zlotoff

Education: BA St. John's College, Annapolis 1974
St. John's College, Board of Directors 1996-2012
St. John's College, President's Council 2013--

Lee Zlotoff has been a writer, director and producer in film and television for over 25 years. Listed below are the professional credits of his produced and distributed works.

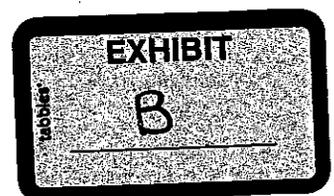
In addition, Lee Zlotoff has moderated the Screenwriter's Lab for three years and taught Screenwriting at FIND: Film Independent. He has taught TV writing at Columbia College of Chicago (Semester in Los Angeles) for 4 years and screenwriting at USC School of Cinematic Arts.

Among numerous professional awards, the most notable is the 1996 Sundance Film Festival Audience Award for his film "The Spitfire Grill"

Writer

NCIS (2012) (written by)

1. "Just Cause" (2001) TV Series (writer) (episode "Tonya With an O")
2. The Spitfire Grill (1996) (written by)
3. Age of Treason (1993) (TV)
4. Plymouth (1991) (TV)
5. "Murphy's Law" (1988) TV Series (creator)
6. Frank Nitti: The Enforcer (1988) (TV) (written by)
7. Perry Mason: The Case of the Avenging Ace (1988) (TV)
8. U.S. Marshals: Waco & Rhinehart (1987) (TV) (teleplay)
9. "Jack and Mike" (1986) TV Series (writer)
10. Link (1986) (story) (as Lee Zlotoff)
11. "MacGyver" (1985) TV Series (creator) (writer)
12. "Remington Steele" (1982) TV Series (teleplay) (episode "A Good Night's Steele") (teleplay) (episode "Red Holt Steele (teleplay) (episode "Steele Waters Run Deep") (teleplay) (episode "Thou Shalt Not Steele") (teleplay) (episode "Your Steele the One for Me
13. "Bret Maverick" (1981) TV Series (writer)



14. "Hill Street Blues" (1981) TV Series (writer)

Director

1. "The Guardian" (2001) TV Series (episode "The Living")
2. "Third Watch" (1999) TV Series (episode "Last Call")
3. The Spitfire Grill (1996)
4. Plymouth (1991) (TV)
5. "Murphy's Law" (1988) pilot/TV Series
6. "Jack and Mike" (1986) TV Series

Producer

1. "Mercy Point" (1998) TV Series (executive producer)
2. Age of Treason (1993) (TV) (executive producer)
3. "Snowy River: The McGregor Saga" (1993) TV Series (executive producer)
4. Plymouth (1991) (TV) (executive producer)
5. Frank Nitti: The Enforcer (1988) (TV) (producer)
6. "Remington Steele" (1982) TV Series (supervising producer) (episode "Altared Steele") (episode "A Good Night's Steele") (episode "Red Holt Steele") (episode "Scene Steelers") (episode "Steele Among the Living") (episode "Steele Crazy After All These Years") (episode "Steele Framed") (episode "Steele Threads") (episode "A Steele at Any Price") (episode "Steele in the News") (episode "Steele's Gold") (episode "Sting of Steele") (episode "To Stop a Steele") (episode "Vintage Steele")
7. MacGyver (New CBS Series) (executive producer) 2016--

LEE DAVID ZLOTOFF

BIOGRAPHY

Since beginning his career in the entertainment business over 35 years ago, Lee Zlotoff has written, produced and/or directed more than one hundred hours of network television including series episodes, pilots and movies for television. Among his credits are creator/writer of the worldwide hit TV series "MacGyver".

He was also the creator/writer/director of the ABC series "Murphy's Law", starring George Segal; the Executive Story Consultant of the NBC series "Bret Maverick", starring James Garner; the Supervising Producer of "Remington Steele", starring Pierce Brosnan and Stephanie Zimbalist; the writer/exec. producer/director of the ABC movie for television "Plymouth", Executive Producer on the third season of the Family Channel's series "The Man From Snowy River", Executive Producer on the UPN series "Mercy Point", starring Joe Morton, and the writer of numerous other television movies and series including "Perry Mason" and "Hill Street Blues".

In addition, Zlotoff expanded into features as the writer-director of "The Spitfire Grill", starring Ellen Burstyn, Marcia Gay Harden and Alison Elliott, which won the coveted Audience Award at the Sundance Film Festival and was picked up for distribution by Castle Rock Entertainment. The story is based on an original concept by Zlotoff.

Zlotoff was born and raised in New York City and attended St. John's College in Annapolis, Md. Referred to as the "Great Books School", its curriculum consisted of, "...reading and discussing the great books of the Western world for four years." Zlotoff served for fifteen years on St. John's Board of Directors and is now an active member of the St. John's College President's Council.

Soon after graduating Cum Laude from St. John's, Zlotoff became a writer on the New York-based soap opera, "The Doctors", starring Armand Assante, Julia Duffy and Gil Gerard.

After one educational but creatively unsatisfying year, Zlotoff quit the soap and moved to Los Angeles where he quickly won jobs writing for episodic television shows. He was hired to write on the very first season of the award winning "Hill Street Blues". After that he was the Supervising Producer on "Remington Steele" for the first two seasons before deciding to pursue a career creating original TV projects.

His very first effort, (in association with Winkler/Rich Productions and Paramount TV), was the pilot for "MacGyver", which remained a hit ABC series for seven years and has continued to run throughout the world ever since. Following the success of that initial effort, Zlotoff's career took off, with writing, producing and/or directing assignments in both television series, and features, and remains active with several current projects in both media.

While maintaining an active career in film and television, Zlotoff also made time to lecture, teach and run seminars at numerous colleges and organizations including the USC School of Cinema Arts, Cal State Northridge, Otis School Of Design, and the FIND; Film Independent where he has taught screenwriting and run the Screenwriters Lab for several years. His unique approach to the writing process and the entertainment industry itself has inspired hundreds of young writers and directors, and his speaking talents are constantly in demand.

He is currently an Executive Producer on the new MacGyver TV series for CBS, and a Producer on the Lionsgate Studio production of the MacGyver feature film. He is also developing a new TV series with Robert Redford to be produced and set in Santa Fe entitled "Land Of Enchantment".

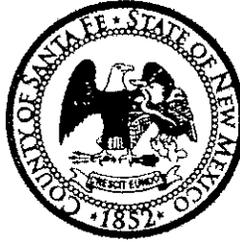
Home address: 53 Camerada Road, Santa Fe, New Mexico 87508

Mailing address: 7 Avenida Vista Grande B7-142, Santa Fe, New Mexico 87508

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Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

Date: January 10, 2017

To: Board of County Commissioners

From: Lisa Katonak, Executive Administrator
Tony Flores, Deputy County Manager

Via: Katherine Miller, County Manager

Subject: Re-Appointment of One Member to the Santa Fe County Ethics Board

Background and Summary

The Santa Fe County Ethics Board (Board) consists of five members who are appointed by the Board of County Commission and each member shall serve a two year term, subject to reappointment thereafter.

Members shall not be employed by the State, a political subdivision or a school district, shall not hold an elective public office, and must be registered to vote in Santa Fe County. **All of the Board positions are "At-Large" positions and do not represent a specific Commission District.**

Currently, the Board has two vacancies due to the term expirations of Mr. Peyton George and Ms. Carol Thompson. Based upon these vacancies, the County Manager's Office solicited for applicants to fill these positions.

As a result of this process, the County Manager's Office received the following application:

- Carol Thompson

**Ms. Thompson has applied for re-appointment*

Staff undertook the customary review of each of the application to insure compliance with the above listed requirements and conducted a one-on-one interview with the applicant.

Recommendation

Based upon the review of requirements and interview, staff is recommending that Ms. Carol Thompson be re-appointed to the Santa Fe County Ethics Board for the term of January 10, 2017, through January 10, 2019.

Staff will continue to solicit for the vacant position and will bring back a recommendation for the remaining vacant position.

Exhibits:

- A – Ordinance 2011-9
- B – Ordinance 2010-12
- C – Application - Carol Thompson
- D – List of Current Ethics Board Members (through January 1, 2017)

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2011-9

AN ORDINANCE ENACTING AMENDMENTS TO ORDINANCE NO. 2010-12 (THE SANTA FE COUNTY CODE OF CONDUCT), AMENDING DEFINITIONS, AMENDING DISCLOSURES TO REQUIRE AFFIRMATIVE DISCLOSURES OF CONFLICTS RESULTING IN RECUSAL OR OTHERWISE, INCREASING THE COUNTY ETHICS BOARD TO FIVE MEMBERS, INCLUDING AN ADDITIONAL PENALTY OF REMOVAL FROM OFFICE, AND REPEALING INCONSISTENT LANGUAGE

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO, THE FOLLOWING AMENDMENTS TO ORDINANCE NO. 2010-12 ("CODE OF CONDUCT"):

Section One. Definitions. Section Four of Ordinance No. 2010-12 shall be and hereby is amended with the following additional definition:

"S. **"Contract"** means an agreement between two or more parties, whether express or arising by operation of law;"

Section Two. Definitions. Subsection Four (K) (Definition: "Family") of Ordinance No. 2010-12 shall be and hereby is repealed and the following additional definition substituted:

"K. **"Family"** means an individual's spouse, domestic partner, parent, child, sibling and like in-laws, by consanguinity or affinity, and persons, related or unrelated, living within the household;"

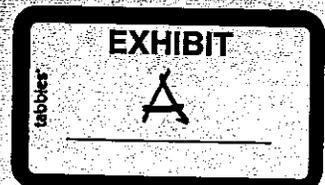
Section Three. Definitions. A new subsection Four (S) (Definition: "Immediate Family") of Ordinance No. 2010-12 shall be and hereby is enacted:

"S. **"Immediate Family"** means a spouse, domestic partner, child of a sibling, a parent, a grandparent, a grandchild, like in-laws, and like step-relationships."

Section Four. Definitions. Subsection Four(R) (Definition: "Volunteer") of Ordinance No. 2010-12 shall be and hereby is amended, as follows:

"Volunteer" means a person who provides services without being paid and without expectation of payment, and includes a volunteer firefighter or emergency responder (notwithstanding receipt of reimbursement for expenses pursuant to the volunteer recruitment and retention incentive program), a volunteer member of the Sheriff's reserve, any other volunteer who is not supervised or monitored by a County employee or Elected Official, a volunteer who has the authority to make

SFC CLERK RECORDED 11/09/2011



decisions that affect County business, or a volunteer who has the ability to purchase goods or services with County resources.

Section Five. Conflicts of Interest, Disclosure. Subsection 10(A) ("Conflicts of Interest, Disclosure") of Ordinance No. 2010-12 shall be and hereby is amended, as follows:

"A. Elected Officials, Appointed Officials, Employees or Volunteers shall strictly avoid transactions and relationships that create a Conflict of Interest. Where a Conflict of Interest is unavoidable, the Elected Official, Appointed Official, Employee or Volunteer has an affirmative duty to disclose the Conflict of Interest and has an affirmative duty to subordinate the conflicting interest to the public interest."

Section Six. Prohibited Use of Campaign Funds. Subsection 20(C) ("Prohibited Use of Campaign Funds, payments to a member of the candidate's Immediate Family") of Ordinance No. 2010-12 shall be and hereby is amended, as follows:

"C. Campaign funds shall not be paid to a member of the Immediate Family of the candidate as an employee or for goods or services provided to the campaign unless the amounts paid do not exceed the fair market value of the goods or services provided."

Section Seven. County Ethics Board. Subsection 24(A) of Ordinance No. 2010-12 shall be and hereby is amended, as follows:

"A. There shall be created a Santa Fe County Ethics Board that shall consist of five members who shall be appointed by the Board of Commissioners. At least one citizen member shall be appointed; the citizen member shall not be affiliated with County government in any capacity, including, but not limited to, employment (including employment for which the salary is in any way funded by or through the County), appointment, election, or serving as a volunteer. The members of the County Ethics Board may not hold elected public office or office with any political party within the County. Each member shall serve a two year term, subject to reappointment thereafter."

Section Eight. County Ethics Board. Section 24 of Ordinance No. 2010-12 shall be and hereby is amended with the addition of the following subsections L, M and N:

"L. A member of the Ethics Board may be removed by the Board of County Commissioners for just cause;

"M. A vacancy on the Board shall be filled in the same manner as the initial appointment and the appointment shall continue for the remainder of the unexpired term of the departing Board member.



SFC CLERK RECORDED 11/09/2011

"N. Members of the Board shall not receive any salary or compensation for services."

Section Nine. Ex Parte Communications, Recusal. Subsection 27 of Ordinance No. 2010-12 shall be amended as follows:

"B. RECUSAL.

"1. An Elected Official or Appointed Official shall recuse himself or herself in any pending administrative adjudicatory matter in which the official is unable to make a fair and impartial decision or in which there is a reasonable doubt about whether the official can make a fair and impartial decision, including:

"a. when the official has a personal bias or prejudice concerning a party or its representative or has prejudged a disputed evidentiary fact. For the purposes of this paragraph, "personal bias or prejudice" means a predisposition toward a person based on a previous or ongoing relationship, including a professional, personal, familial or other intimate relationship, that renders the official unable to exercise his or her functions impartially;

"b. when the official or anyone living in the official's household has a pecuniary or Financial Interest in the outcome of the proceeding;

"c. when, during previous employment, the official served as an attorney, adviser, consultant or witness in the matter in controversy; or

"d. when the official announced how he or she would rule on the adjudicatory proceeding or a factual issue in the adjudicatory proceeding.

"2. The Elected Official or Appointed Official recusing himself or herself shall disclose the specific reason for a recusal contemporaneous with the recusal.

"3. An Elected Official or Appointed Official shall not be required to recuse himself or herself in any pending administrative adjudicatory matter merely because the official possesses and discusses general viewpoints on public policy that an application may raise. Similarly, an Elected Official shall not be required to recuse himself or herself in any pending administrative adjudicatory matter merely because the Elected Official made representations during a political campaign on viewpoints on public policy that an application may raise.

"4. If, prior to the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a party shall promptly notify the Elected Official or Appointed Official of the grounds for recusal. If Elected Official or Appointed Official declines to recuse

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himself or herself upon request of a party, the official shall provide a full explanation in support of his refusal to recuse himself or herself.

"5. If, during the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a party shall promptly notify the Chair of the grounds for recusal. If the Elected Official or Appointed Official declines to recuse himself or herself, the Chair may entertain a motion to excuse the official from further participation in the matter. If the motion is successful, the official shall be excused from further participation in the matter."

Section Ten. Section 29 of Ordinance No. 2010-12 shall be and hereby is amended with an additional subparagraph 29(E), as follows:

"SECTION 29. PENALTIES.

"A person who violates this Ordinance is guilty of a misdemeanor and is subject to one or more of the following:

"A. a fine of up to three hundred dollars (\$300.00) for each separate violation of this Ordinance;

"B. a public reprimand;

"C. a recommendation to the District Attorney that the violation be pursued in criminal or other proceedings;

"D. proceedings and penalties pursuant to the Santa Fe County Personnel Handbook, where appropriate; and

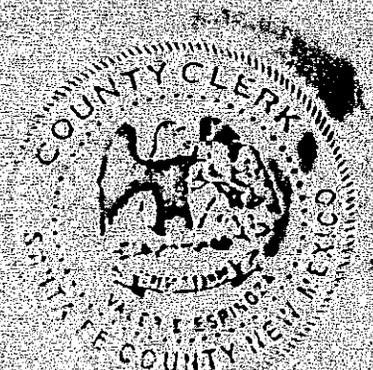
"E. a recommendation to the District Attorney that proceedings to remove the person from elected office be commenced pursuant to NMSA 1978, § 10-4-1 *et seq.* (1909, as amended)."

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: 
Virginia Vigil, Chair

ATTEST:


Santa Fe County
Clerk



SEC CLERK RECORDED 11/09/2011

Valerie Espinoza, Clerk

Approved as to form:



Stephen C. Ross, County Attorney



SFC CLERK RECORDED 11/09/2011

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
PAGES: 5

I Hereby Certify That This Instrument Was Filed for
Record On The 9TH Day Of November, 2011 at 03:29:14 PM
And Was Duly Recorded as Instrument # 1650759
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy Marcella Paluzzi Valerie Espinoza
County Clerk, Santa Fe, NM



**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE NO. 2010 - 17

**AN ORDINANCE ENACTING A SANTA FE COUNTY
CODE OF CONDUCT
AND REPEALING ORDINANCE NO. 2004-3**

**BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY:**

SECTION 1. SHORT TITLE.

This Ordinance may be cited as the "Santa Fe County Code of Conduct."

SECTION 2. DECLARATION OF POLICY.

The proper and effective exercise of the democratic process and of democratic government requires that Elected Officials, Appointed Officials, Employees and Volunteers of Santa Fe County government be independent, impartial and responsible to the people; that decisions of the government and development of policy are made fairly, legally and as the result of a fair and open process; that public office or the pursuit of public office should not be used for personal gain or influence; and that the public have and maintain confidence in the integrity of government. To assist in attaining these goals, this Ordinance establishes a code of conduct and establishes minimum standards for ethical behavior for all Elected Officials, Appointed Officials, Employees and Volunteers of county government. This Ordinance also establishes the highest guidelines for ethical behavior for all Candidates for elected office, Elected Officials, Appointed Officials, Employees and Volunteers, by setting forth explicit standards of conduct and ethical behavior, explicitly describing acts which are inconsistent with these standards, and by requiring candidates for elected office, 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 interests exist.

SECTION 3. RESPONSIBILITY OF PUBLIC OFFICE AND EMPLOYMENT.

Elected Officials, Appointed Officials, Employees and Volunteers hold office or employment for the benefit of the public. They are bound to uphold the Constitution of the United States and the New Mexico Constitution and the Laws of the State of New Mexico; to observe the highest standards in the exercise of the powers and duties of office or employment; to impartially carry out their duties; to discharge faithfully the duties of office regardless of personal considerations; and to recognize that the public interest must be the prime objective.

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SECTION 4. DEFINITIONS.

A. **"Administrative Action"** means action based upon the application, or interpretation of a County Ordinance or a state statute, or a proceeding involving a license, permit, franchise or development use.

B. **"Anything of Value," "benefit" or "thing of value"** includes all matters, whether tangible or intangible, that could reasonably be considered to be of advantage or worth, use or service to the person to whom they are conferred. **"Anything of value," "benefit" or "thing of value"** includes (i) money, including campaign contributions or pledges; (ii) products or merchandise; (iii) works of art or collectibles; (iv) stocks, bonds, notes or options; real property or an interest in real property; contracts or a promise of a future interest in a contract; (v) an interest or a promise of a future interest in a business; (vi) meals whose total value exceeds twenty-five dollars (\$25), non-alcoholic beverages or lodging, excepting meals provided in connection with an event produced by a non-profit charitable organization or a public event where the person attending is serving in a political capacity; (vii) transportation and related travel expenses not to exceed fifty dollars (\$50) per trip; (viii) services, including loaned employees; (ix) loans, loan guarantees or co-signing; (x) loans at below market interest; (xi) forgiveness of a debt; (xii) discounts or rebates not extended to the public generally; (xiii) preferential treatment; (xiv) tickets of admission; (xv) paid compensation not commensurate with the fair and reasonable value of the services rendered; (xvi) free or discounted use of office equipment and facilities; (xvii) intentional overpayment or knowing duplicate payments for expenses or costs; (xviii) radio or television time which is not paid at fair market value; (xix) promise or offer of present or future employment; (xx) use of autos, boats, apartments, or other recreational or lodging facilities; (xxi) intangible rights such as a cause of action; (xxii) licenses, patents, intellectual property, copyrights, or an interest in them; and (xxiii) any other item, tangible or intangible, having economic value. **"Anything of value," "benefit" or "thing of value"** does not include political endorsements, support in a political campaign or a promise of an endorsement, political activities, or political support.

C. **"Appointed Official"** means a person who is not an Elected Official or County Employee and has been appointed by the Board of County Commissioners to serve on a County Board, Commission, or Committee established by the Board of Commissioners, or to perform other functions at the request of the Board of County Commissioners.

D. **"Board of County Commissioners" or "Board"** means the Board of County Commissioners of Santa Fe County.

E. **"Candidate"** means a person who has filed a declaration of candidacy for a position as an Elected Official of Santa Fe County. A Candidate is a Candidate from the time of filing the declaration of candidacy until the election.

F. **"Confidential Information"** means information that has been classified as confidential by law.

G. "Conflict of Interest" means a situation in which a person exercising a duty has an interest, financial or otherwise, that potentially conflicts with the exercise of the duty or that may be perceived as conflicting with the exercise of the duty.

H. "Employee" means a person who is employed, in any capacity, by the County of Santa Fe.

I. "Elected Official" means a member of the Board of County Commissioners, the County Clerk, the County Treasurer, the County Sheriff, the County Assessor, the County Surveyor but does not include the County Probate Judge.

J. "Ex parte communication" means a direct or indirect communication with a party or the party's representative outside the presence of the other parties concerning a pending adjudication that deals with substantive matters or issues on the merits of the proceeding. Ex parte communications do not include statements that are limited to providing publicly available information about a pending adjudication or solely related to the status of the proceeding.

K. "Family" means an individual's spouse, domestic partner, children, siblings, or parents.

L. "Financial Interest" means any interest of an Elected Official, an Employee, an Appointed Official, a Volunteer, that is: (i) an ownership interest or other interest in any contract or prospective contract with the County; (ii) an interest in the sale of real or personal property to or from the County; (iii) a financial relationship with a person or business whose interests may be affected by the County; (iv) any employment or prospective employment for which negotiations have already begun where the prospective employer has an interest in the sale of real or personal property to or from the County; or (v) any other interest that may be affected by the County. An interest held by the Elected Official's spouse or minor children shall be considered an interest of the Elected Official, Appointed Official, a Volunteer, or Employee for purposes of this Ordinance.

M. "Non-public Information" means information that is obtained in the course of an Elected Official's, Appointed Official's, Employee's or Volunteer's duties and is subject to public inspection under state law, but that, because of its nature, is not readily accessible to the public; and if used or disclosed, a personal benefit or advantage is likely to result.

N. "Party" means a person who has submitted to the County an application seeking affirmative relief; a person who has filed a formal complaint or protest; a person who is the subject of a formal complaint or investigation; and members of the general public who participate in a pending adjudication.

O. "Pending adjudication" means any application, petition, complaint, protest, investigation or other administrative adjudicatory proceeding requiring decision or action by the Board of County Commissioners, the Land Use Administrator or the County Planning Commission.

P. "Personal benefit" means the obtaining or the promise of obtaining anything of value.

Q. "Political action" means conduct in which Elected Officials or Appointed Officials use their official positions to exercise influence on County Employees, Elected Officials or Appointed Officials; the phrase includes intervention on behalf of constituents with a governmental agency, and endorsement, pledging support, or actively supporting a County governmental matter, a nominee or a candidate for public office.

R. "Volunteer" means a person who is not an Elected Official, Appointed Official or an Employee who provides services for the County as a volunteer, without being paid and without expectation of payment for those services.

SECTION 5. NON-PARTISANSHIP.

All actions, decisions and votes on matters relating to the County government shall be made on the merits. Decisions shall be made objectively, without party or partisanship considerations, and without facts which are not directly and properly related to the matter requiring action.

SECTION 6. PUBLIC TRUST.

A. Elected Officials, Appointed Officials, Employees and Volunteers shall Act according to the highest principles of representative democracy to ensure that County government is worthy of public respect, trust and support.

B. Elected Officials, Appointed Officials, Employees and Volunteers shall not engage in conduct that they know or reasonably should know is likely to create in the minds of reasonable, objective, fair-minded observers the perception that they have used their public positions improperly, unethically or otherwise have not conducted themselves in accordance with the standards of conduct of this Ordinance.

SECTION 7. CONDUCT AVOIDING IMPROPRIETY.

A. Elected Officials, Appointed Officials, Employees and Volunteers shall avoid conduct that creates the appearance of impropriety or that is otherwise unbecoming a public official.

B. Elected Officials, Appointed Officials, County Employees and Volunteers shall not knowingly engage in conduct that violates the rights of others to be treated fairly and with dignity and respect.

C. Elected Officials, Appointed Officials, Employees and Volunteers shall refrain from engaging in conduct, even if lawful, where personal gain or advantage is involved in a way that creates a reasonable inference that such office has been used for private benefit.

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SECTION 8. LIMITATIONS ON EMPLOYMENT FOLLOWING GOVERNMENT SERVICE.

A former Elected Official, Appointed Official or Employee shall not represent a person in dealings with Santa Fe County government on a matter in which the former Elected Official, Appointed Official or Employee participated personally and substantially while an Elected Official, Appointed Official or Employee for a period of one year following termination of service or employment. An Elected Official, Appointed Official or Employee participates in a matter personally and substantially for purposes of this Section when the Elected Official, Appointed Official or Employee is in a decision-making capacity during the government service and has the capacity to affect the outcome of the matter while an Elected Official, Appointed Official or Employee. Incidental contact with a matter, or supervisory control over persons with direct control over a matter, is not personal and substantial for purposes of this Section.

SECTION 9. PROHIBITED FINANCIAL INTEREST IN COUNTY BUSINESS.

A. No Elected Official, Appointed Official, Employee or Volunteer may have a Financial Interest if the Elected Official, Appointed Official, Employee or Volunteer is in a decision-making capacity with respect to the Financial Interest.

B. Elected Officials, Appointed Officials, and County Employees who have any Financial Interest shall disclose such interest by filing a Disclosure of Interest Form as described in Section 18 of this Ordinance and recording same with the County Clerk and by disclosing the interest as otherwise provided in this Ordinance or by Law, and shall thereafter be disqualified from participating in any debate, decision or vote relating thereto.

SECTION 10. CONFLICTS OF INTEREST, DISCLOSURE.

A. Elected Officials, Appointed Officials, Employees or Volunteers shall strictly avoid transactions and relationships that create a Conflict of Interest. Where a Conflict of Interest is unavoidable, the Elected Official, Appointed Official, Employee or Volunteer shall disclose the Conflict of Interest and shall subordinate the conflicting interest to the public interest.

B. Elected Officials, Appointed Officials, Employees or Volunteers shall exercise their duties, powers and prerogatives without prejudice or favoritism to hire, promote, or simply to reward family members, relatives, friends, or political supporters, or to hinder or punish enemies and opponents.

C. Elected Officials, Appointed Officials, Employees or Volunteers shall assure 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 without regard to their willingness or ability to provide personal benefits or political support to the Elected Official, Appointed Official, Employees or Volunteer.

D. Elected Officials, Appointed Officials, Employees and Volunteers shall not engage in any conduct that could create in the mind of a reasonable observer the belief that persons will

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receive better or different service if gifts, personal benefits or political or charitable contributions are provided.

E. Elected Officials, Appointed Officials, Employees and Volunteers shall not solicit or receive gifts, personal benefits, favors, gratuities 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. Nor may Anything of Value be solicited or received from a person or business doing business with the County, contracting with the County, regulated by the County, has an application pending before the County, or whose interests may be affected by the County.

F. Elected Officials, Appointed Officials or Employees shall not accept Anything of Value from a person, business, or other entity when the Elected Official, Appointed Official, or Employee knows or reasonably should know that said person, business, or entity does any business with the County, desires to do business with the County, contracts with the County, is regulated by the County, has an application pending before the County, or whose interests may be affected by the County.

SECTION 11. CONFIDENTIAL INFORMATION AND MISUSE OF NON-PUBLIC CONFIDENTIAL INFORMATION.

No Elected Official, Appointed Official, Employee or Volunteer shall disclose or use Confidential Information maintained by the County without proper authorization, and such information shall not be used to advance the financial or other private interests of said person. No Elected Official, Appointed Official, Employee or Volunteer shall use Confidential Information for personal benefit.

SECTION 12. DUTY TO REPORT IMPROPER OFFERS.

A. Elected Officials, Appointed Officials, Employees and Volunteers who receive an offer of a Gift or Anything of Value that reasonably appears to have been intended to improperly influence County governmental action shall firmly and unequivocally reject the offer and caution the person making it about a possible violation of bribery laws.

B. If the attempt to improperly influence is clear, the person receiving the offer shall report it to law enforcement authorities.

SECTION 13. MISUSE OF COUNTY PROPERTY AND RESOURCES FOR PRIVATE GAIN OR PERSONAL ADVANTAGE.

A. An Elected Official, Appointed Official, Employee or Volunteer shall not use public property for any private purpose or nongovernmental purpose except as specifically provided by Law. Public property includes public funds, time, facilities, property, equipment, mailing lists, computer data, services or any other government asset or resource. This section does not prohibit the occasional and limited use of County property and resources for personal purposes if:

1. the use does not interfere with the performance of public duties;
2. the cost or value related to the use is so nominal that reimbursement procedures would not be justified; and
3. the use does not create the appearance of improper influence.

B. No Elected Official, Appointed Official, Employee or Volunteer shall 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.

C. Unless authorized by the County Human Resources Handbook, no County Employee shall be asked or permitted to perform personal services for an Elected Official or Appointed Official. An Elected Official or Appointed Official shall not require a County 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.

SECTION 14. MISUSE OF COUNTY PROPERTY OR RESOURCES FOR POLITICAL PURPOSES.

A. Public resources, including funds, facilities and personnel, may not be used to further partisan campaign purposes or to influence the outcome of an election, except for an election on a question proposed by the County such as whether a tax should be imposed or a debt contracted for in which case public resources may be used for the limited purpose educating voters about the details of the question.

B. A Candidate or an Elected Official shall not use or authorize the use of public funds, time, facilities, equipment, mailing lists, computer data, services or other government assets or resources for the purpose of political fundraising, campaigning, or influencing an election. This section does not prohibit the use of mailing lists, computer data or other public information lawfully obtained from a government agency and available to the general public for nongovernmental purposes.

C. A Candidate, an Elected Official, another person on behalf of a Candidate or Elected Official, or a campaign committee of a Candidate or Elected Official, shall not solicit or accept or authorize the solicitation or acceptance of a campaign contribution in a facility or office ordinarily used to conduct County government business. This provision applies to telephone conversations, personal meetings, and solicitations by mail. If such a contribution is offered, it shall be refused or returned promptly. If an unsolicited contribution is received in the mail, or a lawfully solicited contribution is misdirected to an office ordinarily used to conduct County business, if otherwise lawful, it may be accepted, but it may not be processed in that office, and it shall be delivered promptly to an appropriate location.

D. An Elected Official, a Candidate, or a campaign committee or another person on behalf of an Elected Official or Candidate, shall not distribute or post literature, placards, posters, or other communications intended to influence the election of a candidate in an election in a facility or office ordinarily used to conduct County government business.

SECTION 15. USE OF CONFIDENTIAL INFORMATION FOR PRIVATE GAIN.

An Elected Official, Appointed Official, Employee or Volunteer, or a former Elected Official, Appointed Official, Employee or Volunteer who terminated County service within one year, shall not use or disclose Confidential Information to obtain a benefit for the Elected Official, Appointed Official, Employee, Volunteer or former Elected Official, Appointed Official, Employee or Volunteer, or another person, including a person with whom the Elected Official, Appointed Official, Employee, Volunteer or former Elected Official, Appointed Official, Employee, or Volunteer is associated or has negotiated prospective employment. This section does not allow the disclosure of information made confidential by law.

SECTION 16. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRIVATE GAIN OR PERSONAL ADVANTAGE.

A. An Elected Official, Appointed Official, Employee or Volunteer shall not use, induce, cause, or encourage others to use the authority, title, official letterhead or prestige of the Elected Official's, Appointed Official's, Employee's or Volunteer's office or service for his or her own private gain or personal advantage.

B. An Elected Official, Appointed Official, Employee or Volunteer shall not solicit or 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. Nothing in this section prohibits the use of official title of an Elected Official, Appointed Official, Employee or Volunteer as a part of a political campaign or political endorsement.

SECTION 17. POLITICAL ACTIVITY.

A. No Candidate, Elected Official, Appointed Official, Employee or Volunteer shall compel, coerce or intimidate any Elected Official, Appointed Official, Employee or Volunteer to make, or refrain from making, any political contribution. No Candidate, Elected Official, Appointed Official, Employee or Volunteer shall solicit or obtain by coercion any political contribution from Employees. Nothing in this subsection shall be interpreted to provide that an Elected Official, Appointed Official, Employee or Volunteer is precluded from voluntarily making a contribution or receiving a voluntary contribution.

B. Effective November 3, 2010, no Candidate, Elected Official, Appointed Official, Employee or Volunteer shall not accept any campaign contribution in excess of \$ 2,300 per primary, general or special election, or in violation of any federal, state or local statute, law, rule or ordinance. A loan by the candidate to the campaign is not a campaign contribution for purposes of this paragraph.

C. No Employee with contract management authority, property management authority or land use authority shall serve as a paid political consultant, a campaign treasurer, or as a member of the political fundraising committee of any Candidate for federal, State, city or County office, or Elected Official.

D. Employees shall not perform any political activity during any compensated time.

E. A Candidate, Elected Official, Appointed Official, Employee or Volunteer shall not require an Employee to perform political activity: (i) as a part of the Employee's duties; (ii) as a condition of County employment; or (iii) during any time off that is compensated by the County.

F. An Employee shall not be required to participate in any political activity.

G. An Employee shall not be awarded additional compensation or employment benefit in any form to engage in as a part of the Employee's official County employment duties or activities that are undertaken by an Employee on a voluntary basis as permitted by law.

H. Nothing in this section prohibits an Employee from engaging in political activity on behalf of the County or, consistent with Section 17(C), engaging in voluntary political activities of the Employee's choosing when not on duty.

I. No Candidate shall engage in any conduct that would, to an objective third-party, constitute an undue threat to an Employee's continued employment.

J. Employees that receive compensation or reimbursement from a Candidate or political campaign on behalf of a Candidate in excess of \$250 shall be required to report such compensation or reimbursement to the County Manager, which shall include disclosure of the nature of the compensation or reimbursement.

SECTION 18. DISCLOSURE.

A. Within ten (10) days after the swearing in of any Elected Official, the Elected Official shall file a statement of economic interest with the County Clerk on a form provided by the County. Amended statements of economic interest shall be filed on an annual basis or before the 11th day of January of each year.

B. Within ten (10) days of assuming duties as an Appointed Official, Employee or Volunteer, each shall file a statement of economic interest with the County Clerk on a form provided by the County. Amended statements of economic interest shall be filed on an annual basis or before the 11th day of January of each year.

C. The following information shall be provided:

1. A description of all parcels of real estate within the County in which the person owns any interest including an option to purchase.

SEC. CLERK RECORDED 18/01/2018

2. All interests in any business organization, either as owner, part owner, partner, or shareholder, in which such individual owns more than two percent of the outstanding stock or more than two percent ownership interest of any other business that is doing business with the County in an amount in excess of \$7,500 annually.

3. The identity of each person from which the individual who is required to file received, directly or indirectly, any gift or gifts having an aggregate value of more than \$250 within the taxable year proceeding the time of filing, except that such disclosure is not required for any gift from a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, spouse, boyfriend, girlfriend, domestic partner, fiancé or fiancée.

D. Any person required to file a statement hereunder shall not be required to file an amended statement unless that person undergoes a change in those economic interests that are required to be disclosed by this section. Such persons shall file the amended statement in the manner prescribed above within ninety (90) days of the date of any change in circumstances requiring filing thereof.

E. All persons required to file a statement hereunder shall comply with the provisions of this section within thirty (30) days after the requirements hereof are imposed upon such office or position.

SECTION 19. PROPER USES OF CAMPAIGN FUNDS.

Campaign funds for County elected office shall be used only to advance the interests of a campaign. Campaign funds may properly be expended for any otherwise lawful purpose intended to influence voters to elect or reelect the Candidate to an elected office, including payment of staff and consultants; rental of space and equipment for a campaign office; purchase of media time and space; printing and distribution of campaign materials; postage; taking polls and interpreting them; advertising and promotional materials; and travel and related expenses for the Candidate and members of the Candidate's staff or immediate family.

SECTION 20. PROHIBITED USES OF CAMPAIGN FUNDS.

A. A Candidate shall not:

1. use funds raised and designated as campaign funds for the personal benefit of the Candidate or for payment of attorneys' fees and other legal expenses arising from civil, criminal, or administrative actions based on conduct not directly related to the campaign or official duties;

2. convert surplus campaign funds or interest earned on campaign funds to personal income;

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3. seek or claim a personal tax deduction or other economic benefit for surplus campaign funds disbursed to a charity, or

4. borrow from campaign funds or lend them to another person or group.

B. A Candidate, or another person on behalf of the Candidate or a campaign committee of the Candidate, shall not knowingly pay more than the fair market value for goods or services purchased for the campaign.

C. Campaign funds shall not be paid to a member of the Candidate's immediate family as an employee. Goods or services shall not be provided to the Campaign by a member of the Candidate's immediate family unless the amounts paid do not exceed the fair market value of the goods or services provided.

D. A Candidate or a committee controlled by a Candidate shall not use campaign funds to make a contribution to another Candidate running for office or to a committee supporting an opposing Candidate for office.

E. Campaign funds shall not be used to pay fines or other monetary penalties or costs assessed against a candidate by a court or other body, unless the fine, penalty, or cost is assessed as a result of prescribed actions by a member or employee or a campaign committee or another person acting on behalf of the Candidate under circumstances where the candidate did not know of or have reason to know of those actions.

SECTION 21. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS.

A. If a Candidate ceases to be a Candidate or if there remains a balance in the account of the Candidate or a committee controlled by the Candidate after the date of the election, unexpended funds in excess of the amount allowed under this section may only be used as provided in this section or to pay for a victory or thank you party. Within sixty (60) days after the end of the candidacy or the election, unexpended funds shall be:

1. used to retire bona fide loans supported by written documentation, including loans made to a campaign by the candidate or a member of the candidate's immediate family provided that all other outstanding loans are paid first;

2. returned on a pro rata basis to those who have made contributions in excess of one hundred dollars (\$100) in the aggregate a year;

3. donated to the County general fund;

4. donated to one or more organizations that qualify as charitable organizations; provided that the charity is not one that is controlled by the candidate or a member of the candidate's immediate family or in which the candidate or a member of the candidate's immediate family is personally involved as a director, trustee, member of the board, officer or other position of responsibility, or

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5. transferred to an ongoing political account controlled by the candidate or another candidate, but only in the amounts and according to the requirements set out in this section.

B. Funds carried over under subsection A of this section may be expended for any political purpose for which campaign funds may otherwise be properly used.

SECTION 22. COERCION.

A. An Elected Official shall not, directly or by authorizing another to act on his or her 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 a thing of value to the Elected Official.

B. An Elected Official shall not directly, or by authorizing another to act on the Elected Official's behalf:

1. 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;

2. state or imply that the Elected Official will perform or refrain from performing a lawful constituent service as a result of a person's decision to provide or not provide a political contribution;

3. agree to or participate in a scheme or plan intended to evade the requirements of any applicable state ethics statutes, this Ordinance, or another financial disclosure provision of state or County law; or

4. knowingly accept a contribution given or offered in violation of any applicable state ethics statutes or this Ordinance.

SECTION 23. REPORTING VIOLATIONS OF THIS ORDINANCE.

Any Elected Official, Appointed Official, Employee or Volunteer, or member of the public, may submit a complaint of unethical conduct to the County Ethics Board by delivering to the County Attorney's Office a sworn complaint alleging facts which, if true, would constitute a violation of this Ordinance. The County Attorney's office will forward all such sworn complaints to the County's contract ethics official who will determine whether the complaint states a claim under this Ordinance. The County's contract ethics official shall refer all employment matters to the County's Human Resources Department. If the complaint fails to state a claim under this Ordinance, the complaining party shall be so informed and the complaint shall be dismissed, subject to a right of appeal to the County Ethics Board. If the complaint states a claim under this Ordinance, the County's ethics official shall investigate the allegations, prepare a report and recommendations and shall present the same to the County Ethics Board for

further proceedings. The County Ethics Board shall conduct a public hearing prior to taking any of the actions described in Section 24(H) of this Ordinance.

SECTION 24. COUNTY ETHICS BOARD.

A. There shall be created a Santa Fe County Ethics Board that shall consist of three members who shall be appointed by the Board of Commissioners. At least one citizen member shall be appointed; the citizen member shall not be affiliated with County government in any capacity, including, but not limited to, employment (including employment for which the salary is in any way funded by or through the County), appointment, election, or serving as a volunteer. The members of the County Ethics Board may not hold elected public office or office with any political party within the County. Each member shall serve a two year term, subject to reappointment thereafter.

B. The County Ethics Board shall elect its own chair and vice-chair. If any member of the County Ethics Board petitions the Ethics Board for a hearing and advice regarding his or her own conduct or the conduct of others, such member shall not be eligible to sit in such cases, and an alternate member shall be seated when the need arises.

C. The jurisdiction of the Ethics Board is limited to acting within the scope of matters covered by this Ordinance, but may periodically review and recommend amendments to this Ordinance.

D. Upon the sworn complaint of any person alleging facts which, if true, would constitute a violation of this Ordinance the County Ethics Board shall conduct a public hearing on the allegations of the complaint.

E. The County Ethics Board shall adopt rules of procedure for conducting hearings pursuant to this Ordinance. The rules of procedure shall be consistent with the rules for conducting administrative hearings in Santa Fe County.

F. The County Ethics Board shall have the power to issue administrative subpoenas compelling the attendance of witnesses at hearings and the production of documents, and the authority to seek enforcement of those subpoenas by the First Judicial District Court.

G. If the County Ethics Board finds that an Elected Official, Appointed Official, or Volunteer violated any provision of this Ordinance, the County Ethics Board, upon a majority vote of the entire membership, shall forward its written findings of fact and conclusions of law to the County Manager or, as appropriate, the District Attorney, for appropriate action.

H. If the County Ethics Board finds, upon a majority vote, that a candidate, Elected Official, Appointed Official, or Volunteer has violated this Ordinance, the County Ethics Board may impose any of the following penalties after the entry of written findings of fact and conclusions of law:

1. a civil fine not to exceed \$300; or

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2. a written finding of censure; or
3. a referral to the District Attorney or appropriate governmental office for commencement of criminal or other proceedings.

I. No action may be taken by the County Ethics Board on any complaint that is filed later than one year after a violation of this Ordinance is alleged to have occurred or that is filed more than six months from the date of the discovery of the alleged violation, upon due diligence by the complaining party, of the facts constituting a violation, whichever event occurs later.

J. The County Ethics Board may also provide advisory opinions regarding the applicability or interpretation of the provisions of this Ordinance upon the request of any Elected Official, Appointed Official or County Employee.

K. On a quarterly basis, the Board of Commissioners shall be provided with a report stating the number of complaints that were submitted alleging a violation of this Ordinance.

SECTION 25. RIGHT OF APPEAL.

Any decision of the County Ethics Board finding a violation of this Ordinance, with respect to an Elected Official, Appointed Official, Employee or Volunteer, may be appealed to the First Judicial District Court pursuant to NMSA 1978, Section 39-3-1.1 (1998, as amended); provided, however, that any decision regarding an Employee shall be covered by the terms of the Human Resources Handbook or collective bargaining agreement, as applicable.

SECTION 26. NON-RETALIATION.

A. The Board of Commissioners does not tolerate retaliation, workforce discrimination or harassment of any kind against any person who has reported a violation of this Ordinance in good faith. This non-retaliation provision applies whether the complaint is ultimately determined to be well-founded or unfounded. All Elected Officials, 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 good faith claim of violation. Anyone who believes that they have been subject to workplace discrimination or harassment of any kind or who has been retaliated against in violation of this Ordinance should submit a sworn complaint to the Ethics Board or the Human Resources Department setting forth the claim.

B. This non-retaliation provision is not applicable to claims that were not submitted in good faith and for which the County Ethics Board finds that the complaint was frivolous.

SECTION 27. EX PARTE COMMUNICATIONS.

A. EX PARTE COMMUNICATIONS PROHIBITED.

I. An Elected Official or Appointed Official designated to hear an administrative adjudicatory matter pursuant to the County's Land Development Code or any other County

FILED IN THE CLERK'S OFFICE

ordinance, shall not initiate, permit or consider a communication directly or indirectly with a party or the party's representative outside the hearing and outside of the presence of all other interested parties concerning the pending matter.

2. An administrative adjudicatory matter is one that involves the use of a discretionary standard, as specified in the Land Development Code or other County ordinance, to an application for discretionary approval.

3. Notwithstanding the provisions of Subsection 1, above, *ex parte* communications for procedural or administrative purposes, during emergencies, or that do not deal with the merits of the application, shall not be prohibited if the Elected Official or Appointed Official reasonably believes that no party will gain an advantage as a result of the *ex parte* communication and promptly notifies all other parties of the substance of the *ex parte* communication.

4. An Elected Official or Appointed Official who receives or who makes or knowingly causes to be made a communication prohibited by this Ordinance shall disclose the communication to all parties and give other parties an opportunity to respond.

B. RECUSAL.

1. An Elected Official or Appointed Official shall recuse himself or herself in any pending administrative adjudicatory matter in which the official is unable to make a fair and impartial decision or in which there is a reasonable doubt about whether the official can make a fair and impartial decision, including:

a. when the official has a personal bias or prejudice concerning a party or its representative or has prejudged a disputed evidentiary fact. For the purposes of this paragraph, "personal bias or prejudice" means a predisposition toward a person based on a previous or ongoing relationship, including a professional, personal, familial or other intimate relationship, that renders the official unable to exercise his or her functions impartially;

b. when the official has a pecuniary or financial interest in the outcome of the proceeding;

c. when, during previous employment, the official served as an attorney, adviser, consultant or witness in the matter in controversy; or

d. when the official announced how he or she would rule on the adjudicatory proceeding or a factual issue in the adjudicatory proceeding.

2. An Elected Official or Appointed Official shall not be required to recuse himself or herself in any pending administrative adjudicatory matter merely because the official possesses and discusses general viewpoints on public policy that an application may raise. Similarly, an Elected Official shall not be required to recuse himself or herself in any pending

administrative adjudicatory matter merely because the Elected Official made representations during a political campaign on viewpoints on public policy that an application may raise.

3. If, prior to the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a party shall promptly notify the Elected Official or Appointed Official of the grounds for recusal. If Elected Official or Appointed Official declines to recuse himself or herself upon request of a party, the official shall provide a full explanation in support of his refusal to recuse himself or herself.

4. If, during the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a party shall promptly notify the Chair of the grounds for recusal. If the Elected Official or Appointed Official declines to recuse himself or herself, the Chair may entertain a motion to excuse the official from further participation in the matter. If the motion is successful, the official shall be excused from further participation in the matter.

SECTION 28. RESTRICTIONS ON THE BOARD OF COUNTY COMMISSIONERS; ADMINISTRATION OF THE PERSONNEL SYSTEM, MANAGEMENT,

A. The Board of County Commissioners shall not perform, collectively or individually, an executive function in the administration of the personnel system, except for employment and removal of the county manager, making collective recommendations to the County Manager on general personnel policy, approving or disapproving collective bargaining agreements and county personnel policies, or approving any proposed reorganization which creates or abolishes a department.

B. The Board of County Commissioners shall not perform, collectively or individually, general executive management functions in the administration of county government; these functions shall be delegated to the County Manager. This paragraph shall not apply to matters of policy, the responsibility and authority of the Board of County Commissioners to approve budgets and expenditures, contracts outside the signature authority of the County Manager, and matters that, in the discretion of the Board of County Commissioners, while they may involve management issues, are of County-wide importance.

SECTION 29. PENALTIES.

A person who violates this Ordinance is guilty of a misdemeanor and is subject to one or more of the following:

A. a fine of up to three hundred dollars (\$300.00) for each separate violation of this Ordinance;

B. a public reprimand;

C. a recommendation to the District Attorney that the violation be pursued in criminal or other proceedings; and

D. proceedings and penalties pursuant to the Santa Fe County Personnel Handbook, where appropriate.

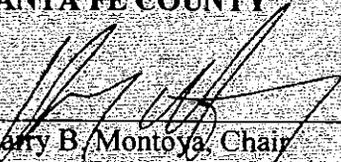
SECTION 30. REPEAL.

Santa Fe County Ordinance No. 2004-3 is hereby repealed.

SECTION 31. EFFECTIVE DATE.

This Ordinance shall become effective as of the date provided by law.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

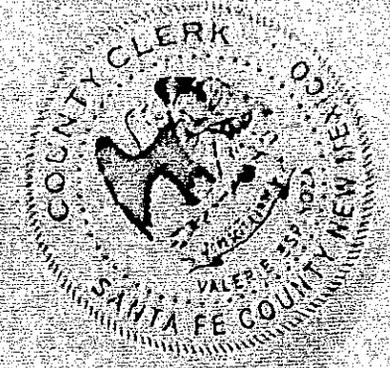
By 
Harry B. Montoya, Chair

ATTEST:


Valerie Espinoza, County Clerk

Approved as to form:


Stephen C. Ross, County Attorney



SFC CLERK RECEIVED 10/01/2010



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
PAGES: 17

I Hereby Certify That This Instrument Was Filed for
Record On The 1ST Day Of October, 2010 at 03:11:53 PM
And Was Duly Recorded as Instrument # 1612640
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy  Valerie Espinoza
County Clerk, Santa Fe, NM



Lisa Katonak

From: CAROL THOMPSON <CAROLATH@msn.com>
Sent: Tuesday, December 20, 2016 5:59 PM
To: Lisa Katonak
Subject: Letter of Interest for SF Co. Ethics Board

December 20, 2016

*Santa Fe County Manager's Office
Attn: Lisa Katonak
102 Grant Ave.
Santa Fe, New Mexico 87504*

Re: Santa Fe County Ethics Board

Dear Santa Fe County Commissioners,

I am very interested in being reappointed to the Santa Fe County Ethics Board, having completed 2 years of service.

I have been a resident of Santa Fe for 36 years and have worked and volunteered for many organizations in various capacities serving my community.

My experience has given me extensive insight and knowledge when it comes to understanding and having to enforce a Code of Conduct adopted by these various organizations.

I would consider it an honor to continue to serve on the Santa Fe County Ethics Board and contribute to help maintain the high standards our community expects of our volunteers and County elected or appointed officials.

Thank you for your consideration.

Respectfully,

*Carol Thompson
40 Devoy's Peak
Santa Fe, NM 87508
(505) 471-9044*





RESUME

CAROL THOMPSON
40 DEVOYS PEAK
SANTA FE, NEW MEXICO 87508
(h) 505-471-9044
(c) 505-603-0833

EDUCATION - Bachelor of Science / Criminal Justice & Social Sciences

EMPLOYMENT

- * KTRC / KBAC / KBOM RADIO - 1981 to 1998Promotions Director
- * SANTA FE NEW MEXICAN - 1998 to 2001Circulation Promotions Director
- * SF CHAMBER OF COMMERCE - 2002 to presentMembership Coordinator
(currently part time / Independent Contractor)

COMMUNITY INVOLVEMENT

Santa Fe County Chamber of Commerce

- * Board Member / 8 years
- * Board Vice President / 2 years
- * Membership Council Chair / 2 years
- * Chair 4th of July Pancake Breakfast on the Plaza / 12 years

United Way of Santa Fe County

- * Board Member / 8 years
- * Chair Small Business Division
- * Chair Allocations Committee 2 years

Santa Fe Boys and Girls Club

- * Board Member / 6 years
- * Board Vice President / 2 years
- * Chair Mayor's Ball / 2 years

Santa Fe Opera

- * Board of Directors / 6 years
- * President / 1 year
- * New Mexico Opera Guild President / 2 years

Rancho Viejo Homeowner's Associations

- * RV North HOA Board of Directors / 6 years
- * Vice President / 2 years
- * ARC (Architectural Review Committee) Chair / 4 years

- * RV South HOA Board of Directors / 9 years
- * President Board of Directors / 4 years
- * DRC (Design Review Committee) Board Liaison 9 years to present
- * Budget & Finance Committee / 2015 to present

- * Eight years ago I implemented a Neighborhood Watch in our South Association which quickly grew to encompass all of Rancho Viejo. I have served as the Area Coordinator for all 8 years.

Buckaroo Ball

- Event Chair / 6 years to present
- Buckaroo Ball Advisory Chair / 6 years to present

- *New Mexico Children's Foundation Board of Trustees / Present

SANTA FE COUNTY ETHICS BOARD / 2 years

Other organizations I have had the privilege of serving through my 37 years in Santa Fe

- * Santa Fe Beautiful Board of Directors / 4 years
- * Santa Fe Rape Crisis Center Advisory Board / 2 years
- * AID & COMFORT Gala Chair / 1 year
- * Santa Fe AIDS Walk Steering Committee / 2 years
- * New Mexico Children's Foundation Board of Directors / 2 years
- * NM Police Officers Association Fundraising League Board Member / 2 years
- * Genevieve Chavez Community Center "Gala Opening" Steering Committee
- * American Cancer Society Fundraising Committee
- * Big Brother's/Big Sister's Gala Committee & Bowl-a-Thon Committee
- * Chair Marketing Committee for Santa Fe Air Show / 3 years
- * Leadership Santa Fe / Panel Advisor
- * Santa Fe Community Foundation / Allocation Panel Chair
- * Governor's Youth Volunteer Commission Chair

SANTA FE COUNTY ETHICS BOARD
CONTACT LIST, revised as of 12/19/2016

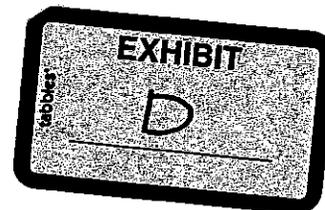
1. Lara Katz
1020 Osage Cir.
Santa Fe, NM 87505
Appointed February 24, 2015,
term expires February 23, 2017

2. Sheldon Weinstein
9 Calle de Montanas
Santa Fe, NM 87507
Appointed February 24, 2015,
term expires February 23, 2017

3. Mr. Bill Heimbach
9 Arroyo Canyon Drive
Santa Fe, New Mexico 87508
Appointed February 25, 2014 – February 25, 2016;
Re-Appointed February 26, 2016 – February 26, 2018

4. VACANCY

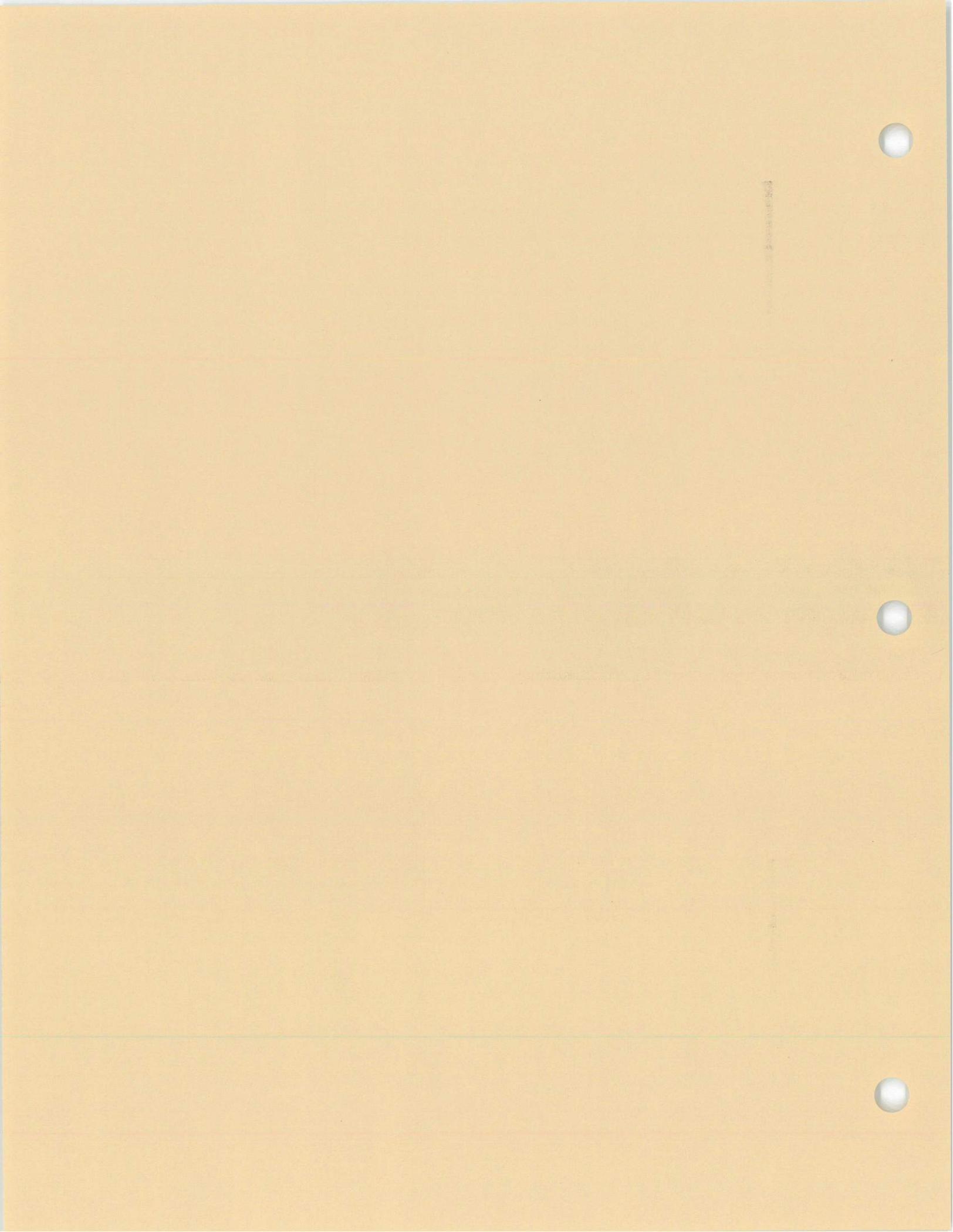
5. VACANCY





1994

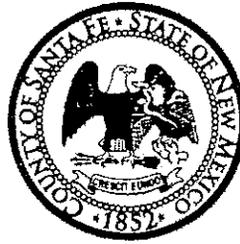




Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

Date: January 10, 2017

To: Board of County Commissioners

From: Tony Flores, Deputy County Manager

Via: Katherine Miller, County Manager

Subject: Appointment of Santa Fe County Representatives to the Regional Economic Development Initiative Broadband Network Board (REDI Net Board).

Background and Summary:

The Board of County Commission (BCC) approved a Joint Powers Agreement for management of the REDI Middle Mile Broadband Network and established formal partnerships (each Local Party and collective as Local Parties) among the following entities:

The North Central New Mexico Economic Development District (NCNMEDD), the incorporated County of Los Alamos, Santa Fe County, the City of Espanola, Rio Arriba County, the Pueblo of San Ildefonso, Ohkay Owingeh, the Pueblo of Santa Clara, the Pueblo of Pojoaque, and the Pueblo of Tesuque.

The REDI Net Joint Powers Agreement states that the REDI Net Board (Board) shall be composed of one representative from each Local Party, appointed by the governing body of each Party, and one representative of NCNMEDD. Board members shall have expertise, professional experience and/or education in telecommunications, engineering, finance and/or business management. There is no maximum term for service on the Board and each member shall be appointed by the governing body it represents for at least one (1) year.

Mr. David Griscom was appointed by the BCC in February of 2016 and due to his departure from Santa Fe County the BCC is required to appoint a replacement member.

Recommendation:

After a review of the qualifications that Board members must possess, and in light of the efforts included in the Santa Fe County Economic Development Plan, staff is recommending the appointment of Mr. Chris K. Hyer, Santa Fe County's Economic Development Manager as the primary member and Mr. Rudy Garcia, Legislative Program Manager, as the alternate member.

Exhibits:

A – REDI Net Joint Powers Agreement

JOINT POWERS AGREEMENT
FOR MANAGEMENT OF THE REDI MIDDLE-MILE BROADBAND NETWORK
BY AND AMONG THE NORTH CENTRAL NEW MEXICO ECONOMIC
DEVELOPMENT DISTRICT, THE INCORPORATED COUNTY OF LOS ALAMOS,
SANTA FE COUNTY, THE CITY OF ESPANOLA, RIO ARRIBA COUNTY, OHKAY
OWINGEH, THE PUEBLO OF SANTA CLARA, THE PUEBLO OF POJOAQUE,
AND THE PUEBLO OF TESUQUE

THIS JOINT POWERS AGREEMENT (the "Agreement") is entered into by and among the Incorporated County of Los Alamos, New Mexico, Santa Fe County, New Mexico, the City of Espanola, New Mexico, Rio Arriba County, New Mexico, Ohkay Owingeh, the Pueblo of Santa Clara Pueblo, the Pueblo of Pojoaque and the Pueblo of Tesuque (each a "Local Party" and together, the "Local Parties"), and the North Central New Mexico Economic Development District (hereinafter "NCNMEDD" and, together with the Local Parties, the "Parties").

WHEREAS, NCNMEDD is a Council of Governments formed in 1967 under the authority of the Joint Powers Agreement Act, Section 4-22-1 to 4-22-7, New Mexico State Statutes Annotated, 1953 Compilation;

WHEREAS, the Incorporated County of Los Alamos, New Mexico, Santa Fe County, New Mexico, the City of Espanola, New Mexico, Rio Arriba County, New Mexico are each New Mexico municipalities or counties, created and existing pursuant to the Constitution and laws of the State of New Mexico (the "State"); and

WHEREAS, Ohkay Owingeh, the Pueblo of Santa Clara Pueblo, the Pueblo of Pojoaque and the Pueblo of Tesuque are each Federally Recognized Tribes, existing as independent and self-governing sovereigns; and

WHEREAS, northern New Mexico currently lacks affordable, high-speed broadband services to support economic development, education and distance learning, health care and telemedicine, and advanced public safety and energy applications required to improve the quality of life and ensure the health, safety and welfare of the region's residents; and

WHEREAS, NCNMEDD applied for and was awarded federal funds from the Broadband Technology Opportunities Program ("BTOP"), National Technology and Information Administration ("NTIA"), US Department of Commerce (the "BTOP Grant"), for the REDI Middle-Mile Network (hereinafter "REDI Net"), a high-speed, open access broadband network to be deployed within the jurisdictional boundaries of the Local Parties in northern Santa Fe County, Los Alamos County and southern Rio Arriba County, New Mexico; and



WHEREAS, the construction cost of REDI Net is estimated to be \$13,391,443.00, which will be paid with federal funds in the amount of \$10,565,792.00, and \$2,825,651.00 in cash and in-kind match contributed by the Local Parties and other regional entities as described in Section 3 below; and

WHEREAS, as the BTOP Grant recipient, NCNMEDD, is directly responsible for assuring that the expenditure of BTOP Grant funds in connection with the design, construction and implementation of REDI Net complies with the Federal Requirements; and

WHEREAS, REDI Net consists of approximately 150 miles of fiber optic cable and associated equipment which crosses the jurisdictional boundaries of the Local Parties and will be installed primarily on existing electric utility poles; and

WHEREAS, subject to the availability of sufficient annual appropriations, the Local Parties will be responsible for securing necessary easements and rights of way, for construction, permitting and other construction-related activities and oversight, and have direct interests in assuring that the design, construction and implementation of REDI Net will meet their local needs and requirements, within the framework of the BTOP Grant provisions and the Federal Requirements as that term is defined in Section 1 below; and

WHEREAS, based on their respective interests and responsibilities, NCNMEDD and the Local Parties recognize that they should collectively manage the design, construction, implementation, and operation of REDI Net in a manner that enables NCNMEDD, as BTOP Grant recipient, to monitor and assure compliance with all BTOP Grant and the Federal Requirements; and

WHEREAS, NCNMEDD shall act as the fiscal agent for REDI Net and shall be responsible for all reporting and assuring compliance required by the BTOP grant; and

WHEREAS, the Parties share common powers with respect to providing infrastructure and promoting economic development, education and public safety for the benefit of their residents ;

WHEREAS, the Parties are authorized by the Joint Powers Agreements Act, Sections 11-1-1 through 11-1-7 NMSA 1978 (the "Act"), to create a joint powers authority for the purpose of exercising powers common to the Parties; and

WHEREAS, the Parties desire to create a joint powers authority pursuant to the Act for the purposes described in, and subject to the requirements of, this Agreement.

NOW THEREFORE, the Parties hereby agree as follows:

Section I. Compliance with Grant Funding Requirements. The Parties shall construct, implement and manage REDI Net in compliance with the American Recovery and Reinvestment Act of 2008 ("ARRA") and all federal regulations promulgated in

relation thereto; the requirements of BTOP, including the Notice of Federal Funding Opportunity ("NOFA") and the grant agreement and conditions; and the purposes for which the BTOP grant was made, and all Federal Communications Commission requirements now in effect or as may become effective the during of this Agreement (collectively, the "Federal Requirements"). Changes to the grant agreement for REDI Net, including but not limited to engineering design, organizational model, business plan, service offerings, rate structure, and disposal or transfer of all or part of REDI Net's physical assets may require approval from the NTIA, and the United States Department of Commerce. The Parties hereby affirm the core purposes and operational details of REDI Net:

- A. Open Access Network: REDI Net shall offer wholesale bandwidth to all qualified service providers within the range of its network at reasonable rates and, where practicable, below-market rates as an open access network intended to encourage competition, improve service, increase customer choice and reduce costs to the end user;
- B. Community Institutions and Rates: REDI Net shall provide high-speed broadband services to community anchor institutions within the range of its network, which shall include government buildings , Schools, libraries, medical and healthcare providers, public safety entities, community colleges and other institutions of higher education, and other community support organizations and agencies that provide outreach, access, equipment and support services to facilitate the greater use of broadband service by vulnerable populations, including low-income, unemployed and senior citizens, at affordable rates determined by reference to prevailing market rates;
- C. Reinvestment of Revenues: As required by the BTOP Grant, all revenues generated by the network shall be reinvested by the REDI Net Board ("REDI Net Board" as further described in Section 2 of this Agreement) in expansion, operation and maintenance of the network, and shall not be distributed to the Parties or any individual Party; and
- D. Public-Private Partnerships: REDI Net shall employ the private sector partnerships identified in the BTOP grant application, including in-kind network management by Kit Carson Telecom for three (3) years, and long-term outside plant operation and maintenance by Jemez Mountains Electric Cooperative and the Los Alamos County Utility Department; and
- E. Applicable Policy: BTOP Grant and project implementation for REDI Net shall follow the adopted policies of NCNMEDD, including but not limited to procurement and accounting policies,

the NCNMEDD code of conduct and the Federal Code of Conduct, as required by the BTOP grant. In executing this agreement, each party acknowledges and agrees that it has received and read each of the above-referenced policies and agrees to bound by the terms of the policies in the REDI Net project implementation and management.

Section 2. Governance of REDI Net. REDI Net will be governed by the Parties through the REDI Net Board pursuant to the following conditions:

- A. Membership: The REDI NET Board shall be composed of one representative from each Local Party, appointed by the governing body of each Party, and one representative of NCNMEDD appointed by its governing body.
- B. Qualifications: REDI NET Board members should have expertise, professional experience and/or education in telecommunications, engineering, finance and/or business management.
- C. Responsibility: Each REDI NET Board member shall provide regular updates to its governing body on REDI Net activities and decisions, and shall request governing body guidance and input on REDI Net activities and decisions, as required.
- D. Terms: There is no maximum term for service on the REDI NET Board. Each member shall be appointed by the governing body it represents for at least one (1) year. The governing body may appoint a new member to the REDI NET Board at any time after the initial one-year term, provided however, that any member may be terminated by its governing body in its sole discretion with or without cause. If any member misses three (3) consecutive meetings, the governing body shall appoint a new member to the REDI NET Board no later than the next meeting of the REDI Net Board.
- E. Purpose of the REDI NET Board and Common Powers of the Parties: The REDI NET Board is established to oversee construction, implementation, and long-term management of REDI Net. The REDI NET Board shall have the following powers:
 - (i) To adopt bylaws, procedures, processes or criteria for the conduct of its affairs as it deems necessary or convenient.
 - (ii) To make all decisions relating to REDI Net's construction, operation and maintenance during the three (3) year grant period, including but not limited to:

- (a) Contracts for professional services, construction and any other contracts needed during the three (3) year grant period;
 - (b) Identification of a long-haul transport provider; and
 - (c) Additional private sector partnerships not contemplated in the BTOP grant application for infrastructure and/or services.
- (iii) To manage REDI Net's long-term operation, management and maintenance, including but not limited to:
- (a) Entering into contracts for marketing, network operations, service-provider recruitment and all other contracts;
 - (b) Entering into agreements with Local Parties and third parties for the provision of broadband service ("Service Agreements");
 - (c) Making other contractual or administrative arrangements for REDI Net management, which may include, without limitation, contracting with a third party or parties for management services, delegating management responsibility to one or more Parties, or entering into other legally permissible agreements or arrangements for management of REDI Net;
 - (d) Forming partnerships, agreements or business arrangements to the extent that the Parties are permitted by law to do so;
 - (e) Developing and approving an annual budget, to include projecting sufficient revenue for operations and maintenance on a multi-year basis;
 - (f) Formulating Network expansion plans;
 - (g) Establishing criteria for revenue reinvestment; and
 - (h) Establishing revenue reinvestment capital improvements plan.

F. Meetings: Meetings of the REDI NET Board shall be held at least quarterly and at such additional times and in such locations as the REDI NET Board or NCNMEDD determines. It is anticipated that meetings will occur more frequently during the BTOP Grant period.

G. Meeting Protocol: REDI NET Board meetings shall be held in compliance with the New Mexico Open Meetings Act, Sections 10-15-1 through 10-15-4 NMSA 1978. NCNMEDD shall keep minutes of all REDI NET Board meetings. As provided in the bylaws or other procedures adopted by the REDI Net Board, each REDI NET Board member shall be entitled to cast one vote in connection with any action to be taken by the REDI NET Board.

Section 3. Financial Contributions of the Local Parties. The Local Parties shall provide the contributions described in this Section to fulfill the required cash and in-kind match requirements for the BTOP grant with twenty percent (20%) non-federal funds (the "Local Match Requirement"). In no event shall the aggregate amount of the contributions by the Local Parties fall below the Local Match Requirement.

A. Los Alamos County shall deposit \$400,000 in cash into NCNMEDD's interest-bearing project account for REDI Net no later than December 31, 2010;

B. Rio Arriba County shall deposit at least \$50,000.00 in cash into NCNMEDD's interest-bearing account for REDI Net each month for fourteen (14) months, or until \$700,000.00 is deposited in the account, beginning July 31, 2011;

C. REDI Net shall dedicate \$170,000.00 in cash from program income during or before the last three months of network construction;

D. Los Alamos County shall provide existing conduit, fiber, and a secondary Point of Presence facility, together valued at \$625,000.00, as an in-kind contribution which shall be incorporated into REDI Net;

E. The City of Espanola shall provide \$20,000.00 in existing fiber optic infrastructure as an in-kind contribution which shall become part of REDI Net; and

F. Other cash and in-kind contributions governed by separate agreements are hereby incorporated by reference:

(i) Los Alamos National Security, LLC: Cash contribution of \$170,000.00;

(ii) Northern New Mexico College: In-kind contribution valued at \$5,000.00 to provide a fiber operation and maintenance training program for electric utility linemen; and

(iii) Jemez Mountains Electric Cooperative: In-kind contribution of pole attachment fees valued at \$686,000.00.

G. Contributions of tribal land for this project are hereby recognized as substantial financial contributions to REDI Net, although their value was not calculated for the BTOP grant. Recognizing tribal infrastructure ownership in REDI Net and REDI Net's status as a publically-owned network that relies on reinvestment, the Local Parties that are tribal governments have established valuations of their lands to record their initial contributions to REDI Net; provided, that these valuations shall apply for the purposes of this agreement only and are not intended to reflect fair market value of any easements or rights-of-way. The valuations below represent estimates based on a per-acre cost negotiated with each tribal government and multiplied by the estimated number of miles of fiber optic cable running through tribal lands and the width of the corresponding electric utility easement. These valuations will be recalculated and recorded in Exhibit A, based on precise boundaries and acreage for tribal ownership determined by final engineering for REDI Net.

Ohkay Owingeh: \$727,273.00

Pojoaque: \$575,757

Santa Clara Pueblo: \$509,091

Tesuque Pueblo: \$424,242

H. Additional contributions of cash or rights-of-way, easements and land made by the a Local Party after the effective date of this Agreement and before the end of the BTOP Grant period will be valued at an amount agreed upon by that Local Party the REDI Net Board and will be counted toward the initial financial contribution of the Local Parties.

Section 4. Roles and Responsibilities of the Parties. The Parties commit to the following roles and responsibilities, subject to the Federal Requirements:

A. REDI NET Board Membership: Each Party shall appoint a representative to and actively participate as a member of the REDI NET Board.

B. Commitment to Purchase Service: Unless prohibited or otherwise limited by any existing service contracts or service arrangements, and subject to the provisions of Section 11 of this Agreement, each Local Party shall purchase services for its community anchor institutions from

REDI Net for a minimum of five (5) years from the Service Agreement date, either exclusively from REDI Net or, if REDI Net is not able to meet the service demands of a Local Party, at the service level that REDI Net can provide to that Local Party. Following the expiration of the five-year Service Agreement term, it is anticipated that the Local Parties will continue to purchase services from REDI Net at a level that will, in the reasonable determination of the REDI Net Board, enable REDI Net to avoid operating losses and will promote open access, sustainability and expansion of REDI Net to serve existing and anticipating demand for services.

C. Procurement of Services During Construction: The procurement decisions of the REDI Net Board during the BTOP Grant period shall be monitored, and to the extent required by the BTOP Grant conditions, ratified or approved by NCNMEDD, provided that such ratification or approval shall not be withheld except to the extent necessary, in the reasonable discretion of NCNMEDD, to assure its compliance with the Federal Requirements.

D. Infrastructure Installation: Each Local Party shall allow the installation of fiber optic cable and associated network equipment upon, through or over its lands without imposing fees, taxes or any other charges on REDI Net or NCNMEDD. No Local Party shall impose fees, taxes or charges of any other kind to any third party owner of utility lines in connection with the installation of fiber optic cable or other improvements to be incorporated into REDI Net. Nothing in this Agreement shall be construed as preventing any Local Party from receiving its appropriate share of gross receipts taxes payable by any person or entity for goods or services provided in connection with the construction or installation of fiber optic cable and associated network equipment under the terms of this Agreement.

E. Rights-of-Way and Easements: Subject to the provisions of Section 11 of this Agreement, where required, each Local Party shall provide rights-of-way or easements for installation of fiber optic cable and associated network equipment without imposing fees, taxes or any other charges to REDI Net or NCNMEDD.

F. Infrastructure Ownership and Federal Security Interest. Each Local Party that is a county government shall own that portion of REDI Net infrastructure situated within its jurisdictional boundaries with the following exceptions: 1) Local Parties that are tribal governments shall own REDI Net infrastructure within their tribal lands, and 2) the City of Espanola shall own existing fiber optic infrastructure which it has committed as an in-kind match to REDI Net in Section 3F of this

Agreement. Infrastructure ownership by the Local Parties is subject to the following provisions:

(i) Due to complex land tenure patterns among tribal and local government jurisdictions, boundaries for tribal land ownership shall be substantially consistent with the tribal lands identified by Jemez Mountains Electric Cooperative for electric rights-of-way.

(ii) An ownership map showing the acreage owned by each Local Party shall be produced during final engineering and shall be incorporated into this Agreement as Exhibit A.

(iii) Infrastructure ownership shall be subject to a Federal Security Interest, established through the Covenant of Purpose, Use and Ownership, which shall be recorded, in the form attached hereto as Exhibit B, in the real property records of Santa Fe, Rio Arriba and Los Alamos Counties, or in the case of Local Parties that are tribal governments, in the land records of each respective tribal government.

(iv) Notwithstanding proportional ownership of infrastructure by each Local Party as described above, the REDI Net Board shall be solely responsible for operating all infrastructure owned by each of the Parties subject to NCNMEDD's oversight responsibility as described in Section 7 below.

Section 5. Exercise of Powers. The REDI NET Board is hereby authorized to exercise any and all of the common powers described in Section 2E of this Agreement without further authorization or ratification by the governing body of each Party.

Section 6. Effective Date, Term and Termination.

A. This Agreement shall be effective upon approval by the New Mexico Department of Finance and Administration ("DFA").

B. The term of this Agreement shall be 20 years, which is the useful life of the project, as provided in the United States Department of Commerce's Covenant of Purpose, Use and Ownership, and may be extended by mutual consent of the Parties at the end of this term.

C. If REDI Net remains suitable for operation beyond the initial 20 year term and some but not all the Parties desire to extend the term of this Agreement, a Local Party may terminate its status as a party to this Agreement but hereby agrees to permit the ongoing use of REDI Net fiber lines and other broadband infrastructure within its jurisdictional boundaries for operation of the network. The terms of such arrangement shall be negotiated by the withdrawing Local Party and the REDI Net Board, and may include, without limitation, purchase or lease of the infrastructure by the REDI Net Board

from the withdrawing Local Party, at reasonable rates determined in reference to the operating budget of REDI Net and in consideration of past improvements made to the infrastructure. The withdrawing Local Party shall not refuse to permit REDI Net's ongoing use of the REDI Net infrastructure within that Local Party's jurisdictional boundaries in a manner that prevents REDI Net's ongoing operation.

Section 7. Appointment of Fiscal Agent; Strict Accountability of all Receipts and Disbursements. NCNMEDD shall act as Fiscal Agent in connection with the administration, disbursement, reporting and monitoring of the BTOP Grant and shall be strictly accountable for all receipts and disbursements thereunder and under this Agreement until construction of REDI Net, transfer of REDI Net assets to the Local Parties have been completed and NCNMEDD has verified that its responsibilities as BTOP Grant recipient have been satisfied. Following expiration of the BTOP Grant Period (as defined in the BTOP Grant requirements), REDI Net Board shall either extend the term of NCNMEDD as fiscal agent, or appoint a new fiscal agent, which in either case shall be strictly accountable for all receipts and disbursements hereunder.

Section 8. Disposition of Property Acquired Pursuant to this Agreement.

A. The Parties anticipate that REDI Net assets will be conveyed to that Local Party as shown in Exhibit A. The Parties anticipate that they will contribute funds or make in-kind contributions as provided in this Agreement, each from sources designated by the governing body of that Local Party or otherwise approved.

B. As provided by the BTOP Grant, surplus funds generated by REDI Net are to be reinvested in REDI Net to upgrade technology and infrastructure of REDI Net, and the parties do not anticipate that other surplus property or funds will remain at the time this Agreement is terminated. Notwithstanding, any surplus property or funds which may remain at the time this Agreement is terminated shall be returned to each Local Party and to NCNMEDD, in proportion to the cash and in-kind contributions made by that Local Party or NCNMEDD; provided that any such distribution of property or funds shall comply with the Federal Requirements.

Section 9. Severability. If any provision, clause, section, subsection or article of this Agreement is found to be invalid, illegal, unenforceable for any reason, the invalidity, illegality or enforceability of such provision, clause, section, subsection or article shall not affect the remaining provisions of the Agreement.

Section 10. Privileges and Immunities. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workers' compensation and other benefits which apply to the activity of officers, agents or employees of any such public agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of the Act, as provided in Section 11-1-6 NMSA 1978.

Section 11. Obligations Conditioned on Sufficient Annual Appropriations. The obligations of the Local Parties under this Agreement are conditioned upon the availability of sufficient annual appropriations by the governing bodies of the Local Parties.

Section 12. Governing Law. This Agreement shall be governed by the laws of the State of New Mexico; provided that, with respect to any Local Party that is a tribal government, it is hereby recognized that the powers and status of such Party, as a tribal government, is subject to the laws of the United States.

Section 13. Alternative Dispute Resolution. Disputes among Parties arising in connection with this Agreement shall be submitted to mediation, arbitration, or other alternative dispute resolution process, as determined by the REDI Net Board, and to the extent that such process is permissible under the governing law applicable to the disputing Parties.

Section 14. Counterparts. This Agreement may be executed in counterpart originals.

Section 15. Amendment; Addition of Parties in the Future. This Agreement shall not be altered, changed, or amended except by instrument in writing executed by the Parties and approved by the DFA; provided, that the Pueblo de San Ildefonso may, at its election, become a Local Party to this Agreement, and this Agreement, shall be amended accordingly and shall include a description of the financial and/or in-kind contribution to be made by the Pueblo de San Ildefonso. So long as no other provision of this Agreement is amended, the foregoing modifications to this Agreement shall not require approval by DFA.

Section 16. Entire Agreement. This Agreement constitutes the entire agreement and understanding of the Parties with respect to the subject matter hereof.

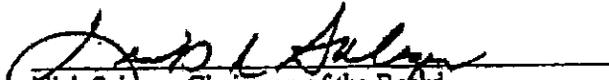
SIGNATURE PAGE

To

North Central New Mexico Economic Development District
REDI Net Middle Mile Broadband Network Joint Powers Agreement

Dated as of November 19, 2010

NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT


Nick Salazar, Chairman of the Board

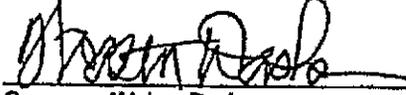
SIGNATURE PAGE

To

North Central New Mexico Economic Development District
REDI Net Middle Mile Broadband Network Joint Powers Agreement

Dated as of December 17, 2010

PUEBLO OF SANTA CLARA



Governor Walter Dusheno

SIGNATURE PAGE

To

North Central New Mexico Economic Development District
REDI Net Middle Mile Broadband Network Joint Powers Agreement

Dated as of _____

LOS ALAMOS COUNTY

Michael E. Wisner
Michael E. Wisner, Council Chair

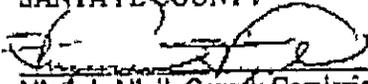
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To

North Central New Mexico Economic Development District
REDI Net Middle Mile Broadband Network Joint Powers Agreement

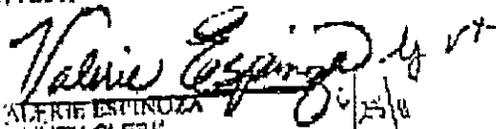
Dated as of _____

SANTA FE COUNTY



Virginia Vigil, County Commission Chair

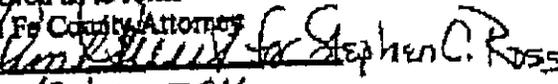
ATTEST:



VALERIE ESPINOZA
COUNTY CLERK

Approved as to form

Santa Fe County Attorney

By:  Stephen C. Ross

Date: 18 June 2011





Office of the Governor
Pueblo of Tesuque
Route 42 Box 360-T
Santa Fe, New Mexico 87506

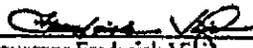
SIGNATURE PAGE (1 of 6)

To

North Central New Mexico Economic Development District
REDI Net Middle Mile Broadband Network Joint Powers Agreement

Dated as of December 21, 2010

PUEBLO OF TESUQUE



Governor Frederick Vigil

SIGNATURE PAGE

To

North Central New Mexico Economic Development District
REDI Net Middle Mile Broadband Network Joint Powers Agreement

Dated as of 12/16/10

RIO ARRIBA COUNTY

Alfredo Montoya
Alfredo Montoya, County Commission Chair

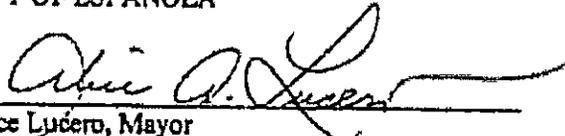
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To

North Central New Mexico Economic Development District
REDI Net Middle Mile Broadband Network Joint Powers Agreement

Dated as of 11/22/10

CITY OF ESPANOLA


Alice Lucero, Mayor

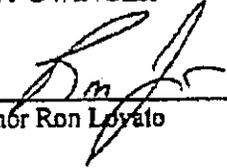
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To

North Central New Mexico Economic Development District
REDI Net Middle Mile Broadband Network Joint Powers Agreement

Dated as of _____

OHKAY OWINGEH



Governor Ron Luyate

