SANTA FE COUNTY
RESOLUTION NO. 2004-66

A RESOLUTION IMPOSING ADDITIONAL SAFEGUARDS ON THE OPERATION OF THE SANTA FE COUNTY EMPLOYEE BENEFITS COMMITTEE; AMENDING RESOLUTIONS NO. 1984-11, 1990-86 AND 1992-61.

WHEREAS, the Santa Fe County Employee Benefits Committee (hereinafter referred to as "the Committee") was created by Resolution No. 1984-11 of the Board of County Commissioners of Santa Fe County (hereinafter referred to as "the Board"); and

WHEREAS, Resolution No. 1984-11 appointed one volunteer member from each department/office to serve on the Committee, provided that the Committee would be governed by by-laws, rules and regulations, that the Committee would receive and control proceeds from any revenue generated on behalf of Santa Fe County employees, that funds collected and controlled by the Committee would not become a part of the General Fund, and that the Committee would expend proceeds from its fundraising efforts on County employee services, functions and equipment; and

WHEREAS, the Board, in Resolution 1992-61, imposed additional conditions on the operations of the Committee, and required meetings of the Committee to be conducted during the lunch hour or outside working hours, and directed that the Committee reimburse the County for electricity used by vending machines placed by the Committee on County property; and

WHEREAS, the Board, in Resolution No. 1990-86, also addressed the activities of the Committee, placed certain vending machines in County buildings under its control, and specified that revenue from that source could be used for employee picnics, parties, flowers, special ceremonies and employee awards; and

WHEREAS, in recent years, the Committee has conducted special sales, used revenue derived from the placement on vending machines in County buildings, and revenue derived from use of the portal and parking areas at the County Administrative Building during Indian Market for placement of booths by Native American vendors to support its activities; and

WHEREAS, Article IX Section 14 of the New Mexico Constitution prohibits County government from lending or pledging its credit in aid of any person or association except under certain circumstances; and

WHEREAS, Resolution No. 1992-61 addressed the donation issue with respect to the vending machines by requiring that the Committee reimburse the County for electricity used by the vending machines; and

SFC CLERK RECORDED 07/08/2004

WHEREAS, Resolution No. 1992-61 did not address use of the portal by the Committee during Indian Market, nor did it establish a mechanism for addressing this issue; and

WHEREAS, a County employee was recently arrested and charged with embezzlement of Committee funds and, through this incident and its subsequent investigation, it has become apparent that inadequate safeguards are in place to prevent a reoccurrence of such an event in the future, and that this Board needs to impose additional safeguards on the operations of the Committee; and

WHEREAS, the Committee provides important team building and morale boosting activities for employees of the County, including picnics and an annual Christmas party, but the Committee's activities should be further regulated as set out herein to prevent future incidents such as the recent embezzlement and to ensure its operations are consistent with the Constitution and Laws of the State and County.

NOW, THERFORE, IT IS HEREBY RESOLVED, AS FOLLOWS:

1. Henceforth, at least two members of the Employee Benefits Committee must execute checks drawn on behalf of the Committee. Each check shall also require the countersignature of the County Manager or a member of the County's senior staff.

2. Henceforth, books of expenditures and income shall be kept by the Committee in a form specified by the County's Finance Department. The books of the Committee shall conform to applicable governmental accounting standards and shall be audited periodically by the Finance Department and subject to audit by the County's auditor and the State Treasurer.

3. Henceforth, the checking account of the Committee shall be restricted so that cash cannot be withdrawn from any account controlled by the Committee. In addition, any account controlled by the Committee shall be restricted to prevent use of counter checks.

5. The Bylaws of the Committee shall be amended forthwith to provide for term limits so that the Committee member who acts as Treasurer is rotated periodically.

6. Members of the Committee shall be appointed (or reappointed) annually by the relevant Department Director/Elected Official, and a member of the County's senior staff shall be appointed by the County Manager to serve on the Committee.

7. Henceforth, the Committee shall make reimbursement of electrical utility costs required by Resolution No. 1992-61 on a quarterly basis, and the vendor supplying vending machines shall be required to provide information concerning electricity use by each machine to further that reimbursement.

SFC CLERK RECORDED 07/08/2004

7/7/2014

8. Henceforth, the County shall be reimbursed for the Committee's use of the portal and parking areas of the County's Administrative Building during Indian Market. The Board recognizes that the activities of volunteer employees during the Indian Market creates value at the portal that otherwise would not be present. Therefore, the Committee shall pay to the County an amount to be negotiated on an annual basis with the County Manager, but in no event less than the sum of One Thousand Dollars.

9. Henceforth, the Committee shall keep detailed records of its fundraising activities, including specifically its use of County buildings for placement of vending machines and its use of the portal and parking areas in County buildings during Indian Market.

10. The Board reaffirms that the activities of the Committee are an important tool to improve the morale of the workforce, promote teambuilding, improve management skills and thereby assist the Board and County government to better serve the public.

11. To the extent that Resolution Nos. 1984-11, 1992-16 and 1990-86 are inconsistent with this Resolution, they are hereby rescinded.

APPROVED AND ADOPTED this 8th day of June, 2004.

THE BOARD OF COUNTY
COMMISSIONERS OF SANTA FE COUNTY

Paul D. Campos, Chairman

ATTEST:

Rebecca Bustamante, County Clerk

APPROVED:

Gerald T.E. Gonzalez, County Manager

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APPROVED AS TO FORM:

Stephen C. Ross, County Attorney

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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 4

I Hereby Certify That This Instrument Was Filed for Record On The 8TH Day Of July, A.D., 2004 at 13:14 And Was Duly Recorded as Instrument # 1336569 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Rebecca Bustamante
County Clerk, Santa Fe, NM

Deputy

7/7/2014