

SANTA FE COUNTY

443773

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2

ORDINANCE NO. 1982-2

3

INTRODUCED BY

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5

Samuel J. Garcia

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Rudy R. Fernandez

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AN ORDINANCE

11 RELATING TO POLITICAL ACTIVITIES OF COUNTY EMPLOYEES; AMENDING AND
12 ENACTING NEW SECTIONS OF THE "SANTA FE COUNTY PERSONNEL ORDINANCE"
13 (ORDINANCE NO. 1976-3, AS AMENDED); IMPOSING RESTRICTIONS ON EXEMPT
14 (NON-CLASSIFIED) EMPLOYEES REGARDING POLITICAL ACTIVITY AND IMPOSING
15 RESTRICTIONS ON ALL POSITIONS IN THE COUNTY SERVICE.

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17 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
18 SANTA FE:

19 Section 1. Section 4 of the Santa Fe County Personnel Ordinance
20 (being Ordinance 1976-3, as amended) is amended to read:

21 "Section 4. COVERAGE OF SERVICE--

22 A. The Personnel Ordinance and the service cover all county
23 positions except:

24 (1) officials elected by popular vote or appointed to
25 fill vacancies in elective offices (i.e. county commissioners, county

1 assessor, county clerk, county sheriff, county surveyor, county treasurer
2 and probate judge); 443774

3 (2) members of boards and committees, the county manager, and
4 heads of departments or agencies appointed by the board of county commis-
5 sioners;

6 (3) not more than two (2) first-in-line assistants (e.g. deputy,
7 undersheriff, sergeant) and one (1) secretary in the office of each
8 official listed in subsections A and B of this section, excluding mem-
9 bers of boards and committees and the county manager in subsection B;
10 and

11 (4) those of a professional, technical or scientific nature
12 which are contractual or temporary in nature;

13 B. Section 10. of the Santa Fe County Personnel Ordinance, "POLITICAL
14 ACTIVITY--PROHIBITED AND UNLAWFUL ACTS", shall apply to any person holding a
15 position of employment with the county."

16 Section 2. Section 10 of the Santa Fe County Personnel Ordinance,
17 (being Ordinance 1976-3, as amended) is amended to read:

18 "Section 10. POLITICAL ACTIVITY--PROHIBITED AND UNLAWFUL ACTS.--as
19 to Coverage of Service see Section 4.E.

20 A. No county official or department head shall dismiss a
21 county employee or probationer for failure or refusal to pay or promise
22 to pay an assessment, subscription or contribution to any political
23 organization or candidate; however, nothing herein contained shall prevent
24 voluntary contributions or political organizations.

25 B. No county employee or probationer, shall hold political office.
26 For the purpose of the Personnel Ordinance, being a member of a local school
27 board, an officer of a ward or precinct political organization and being an
28 election official shall not be construed to be holding political office.

1 C. Nothing in the Personnel Ordinance or the rules and regula-
2 tions promulgated hereunder shall deny any county employee or probationer
3 the right to vote as he chooses or to express his opinions on political
4 subjects and candidates.

5 D. Any county employee or probationer who becomes a candidate for
6 public office must, after filing a declaration of candidacy or accepting the
7 nomination, take a leave of absence without pay during the campaign.
8 Such leave of absence shall be not less than thirty (30) calendar days
9 immediately prior to the primary election, and, as the circumstances may
10 require, not less than thirty (30) calendar days immediately prior to
11 the general election.

12 E. No person shall be refused the right to appointment to a posi-
13 tion, or promotion, or of holding a position because of political or reli-
14 gious opinions or affiliation or because of national origin, ancestry,
15 race, color, sex, or physical or mental handicap.

16 F. No county employee or probationer shall engage in political
17 activity while on duty.

18 G. No elected county official or department head shall employ any
19 person related by consanguinity or affinity to the person giving such
20 employment, unless the same has been disclosed to and employed by the county
21 manager or elected official.

22 H. No person holding a county position which is in whole or in part
23 funded or financed by loans or grants other than revenue sharing, made by the
24 United States or a federal agency thereof may be a candidate for an elective
25 office in a partisan primary, general or special election, nor may such person
26 engage in political activity, where the same is prohibited by the Federal Hatch
27 Act.

28 I. It is unlawful to:

1 (1) make any false statement, certificate, mark or rating with
2 regard to any certification or appointment made under the Personnel Ordinance,
3 or to willfully swear falsely as to any itemized account of fees, commission,
4 mileage and per diem earned or collected by virtue of the performance of
5 official services.

6 (2) directly or indirectly give, pay, offer, solicit or accept
7 any money or other valuable consideration or secure or furnish any special
8 or secret information for the purpose of affecting the rights or prospects
9 of any person with respect to employment in county service;

10 (3) accept or receive for ones personal use, for or on account
11 of expenses incurred or for or on account of services rendered by virtue of
12 any county office or position in the county service, any salary, compensation,
13 allowance, fees or emoluments in any form whatsoever, other than authorized
14 by law;

15 (4) willfully fail to account for or pay over, as required
16 by law, and all fee commissions or monies earned or collected by virtue of any
17 county office or position in the county service in the performance of official
18 county service or business; or

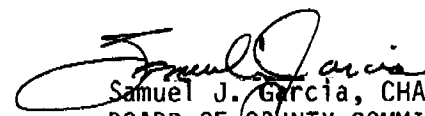
19 (5) negligently or willfully damage or destroy any county owned
20 equipment or conveyance used in the performance of official county business and
21 by virtue of any county office or position in the county service, or to wrong-
22 fully appropriate such equipment or conveyance."

23 PASSED, APPROVED AND ADOPTED THIS 14th DAY OF June, 1982.

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Samuel J. Garcia, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

27 This ordinance was recorded in the Santa Fe County Ordinance Book on

28 July 7th, 1982 in book no. 443, pages 773-778

1 This Ordinance shall take effect thirty (30) days after the date of
2 recording.

443777

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4 ATTEST:

5 *Carolina R. Gonzales*
6 CAROLINA GONZALES, COUNTY CLERK *By m7E*

7 (seal)

8 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

9
10 *Walter Kelley*
11 County Attorney

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SANTA FE COUNTY

Ordinance No. 1982-2

443778

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5 MR. CHAIRMAN:

6 I propose the following amendments to the ordinance now being heard:

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8 1. On page 1, line 22, the following language is to be changed:

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10 Capitalize the letter "p" in the word Personnel.

11 2. On pages 2 and 3 starting on line 25, the following language is to
12 be changed:

13 Remove the brackets from the words county employee, add the words
14 "or probationer" after the word "employee", strike from the word "person"
15 on line 25 to the word "position" on line 26. Add a period after
16 the word "office" on line 26. Strike from the word "or" on line 26
17 through the period after "1978" on line 9, page 3. Insert a comma
18 & add the words "an officer of a ward or precinct political organiza-
19 tion" after the word "board" and before the word "and" on line 10.

19 Strike from the word "or" on line 11 to the word "organization" on
20 line 12. Strike the word "either" on line 11.

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Respectfully submitted,

498,982

I hereby certify that this instrument was filed
for record on the 7 day of July A.D.
1982 at 4:32 o'clock P.M.
and was duly recorded in book 443
page 473-478 of the records of Santa Fe County

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) SS

Witness my Hand and Seal of Office

CAROLINA R. GONZALES

County Clerk, Santa Fe County, N.M.

Jake D. Martinez, Member
County Commission

Quinnella Vigil
Deputy