

SANTA FE COUNTY

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ORDINANCE NO. 1983-2

Introduced by

Samuel J. Garcia

Jerome D. Block

Rudy R. Fernandez

REQUESTED BY THE BOARD OF ETHICS & CAMPAIGN PRACTICES

AN ORDINANCE

RELATING TO CODE OF ETHICS AND CONFLICT OF INTEREST (BEING ORDINANCE NO. 1981-4),
AMENDING LANGUAGE TO COMPLY WITH STATE STATUTES AND A GENERAL CLEAN-UP OF LANGUAGE

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

Section 1. DECLARATION OF POLICY.

The proper administration of democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interest of the people, the community and the government; and that the public have confidence in the integrity of its government. In recognition of these goals, the following Code of Ethics and Conflict of Interest shall apply to all officials and employees of Santa Fe County.

Section 2. DEFINITION.

For the purpose of this article the term "official" means the County Commission, Clerk, Treasurer, Assessor, Sheriff, Probate Judge, Surveyor, all members of boards, commissions, committees, County Manager, all heads of

1 official is employed or of which the official is a member without proper
2 authorization in order to advance the financial or other private interests
3 of said official or others;

4 B. Vote or otherwise participate in the negotiation or the
5 making of any contract with any business or entity in which the official has
6 a financial interest, either directly or indirectly;

7 C. Represent private interests in any action or proceedings
8 before the governmental body by which the official is employed or of which
9 the official is a member or any appeal of a decision of such body.

10 D. Except as otherwise provided in this ordinance, no person
11 directly or indirectly solicit or accept any money or other valuable con-
12 sideration, from any person, firm or corporation which to the officials
13 knowledge is interested directly or indirectly in any manner whatsoever,
14 in business dealings with the governmental body by which the official is
15 employed or of which the official is a member; provided, however, that
16 this subsection shall not be read as prohibiting an incumbent candidate
17 for elective office from receiving campaign contributions in accordance
18 with the provisions of State Statutes and County ordinances or regulations.

19 E. Any elected official, County official or County employee shall
20 disqualify himself or herself from any official act directly affecting a
21 business in which he has a financial interest.

22 F. No County official or employee shall acquire a financial
23 interest in any business venture or business property of any kind when
24 he/she believes or has reason to believe that it will be directly affected
25 by his official act.

26 G. No elected county official shall contract in any manner with
27 The County or any agency thereof, without public notice in competitive
28 bidding and full disclosure of his financial or other interest in the

1 business which is party to such contract.

2 H. Every County official and employee shall comply with the
3 disclosure provisions of State Statute set forth in Section 4-44-25,
4 N.M.S.A. 1978 Comp.

5 Section 5. DISCLOSURE.

6 An official of the County who shall have any private financial interest,
7 direct or indirect, in any contract or matter pending before or within the
8 governmental body by which the official is employed or of which the official
9 is a member, shall disclose such private interest to the governmental body
10 by which the official is employed or of which the official is a member,
11 shall disclose such private interest to the governmental body. Any official
12 who has a private interest in any matter pending before the County shall
13 disclose such private interest on the records of the County, and shall be
14 disqualified from participating in any debate, decision or vote relating
15 thereto.

16 Section 6. USE OF PUBLIC PROPERTY.

17 No official of the County shall use property owned by the County for per-
18 sonal benefit, convenience or profit, except in accordance with policies
19 promulgated by the Board of County Commissioners.

20 Section 7. ENFORCEMENT.

21 A. Any charge of violations of this Code of Ethics shall be
22 brought before the Board of Ethics and Campaign Practices. Any private citizen
23 may initiate such a charge in accordance with regulations established by the
24 Board.

25 B. Should the Board find, after due hearing, that a viola-
26 tion has occurred, it may make a public reprimand or refer the matter to
27 the district attorney for prosecution in a court of competent jurisdiction
28 and imposition of a fine up to three hundred dollars (\$300.00) or

1 imprisonment up to 90 days or both such fine and imprisonment.

2 C. The initiation of any action by the Board of Ethics shall be
3 in addition to any of the rights, remedies or other procedures which may
4 be provided by law, including prosecutorial action by the District Attorney
5 or the Attorney General.

6 D. The Commission may, upon the recommendation of the Board
7 of Ethics, and after due hearing of the charge, order the suspension or
8 removal of an appointed official.

9 E. Matters pertaining to employees shall be handled as provided
10 under the County's "Personnel Ordinance" and "Personnel Rules and
11 Regulations".

12 Section 8. NON-WAIVER OF PENALTIES.

13 Nothing herein set forth shall be construed to affect or otherwise diminish
14 any penalties otherwise provided by law for violation of the matters set
15 forth in this Code of Ethics, or shall prevent the Board from bringing to
16 the attention of the proper authority any alleged violation coming to its
17 attention which may be subject to such other penalties.

18 Section 9. REGULATIONS.

19 The Board shall have the authority to establish reasonable rules
20 and regulations for its conduct and for explanation and interpretation of
21 the Code of Ethics and bring such regulations before the Board of County
22 Commissioners for approval.

23 Section 10. SEVERABILITY.

24 If any provision of this ordinance or the application thereof to any
25 person or circumstance is held invalid, the invalidity does not affect other
26 provisions or applications of the ordinance which can be given effect
27 without the invalid provision or application, and to this end the provisions of this
28 ordinance are severable.

1 PASSED, APPROVED AND ADOPTED this 14th day of March, 1983.

2
3 SANTA FE COUNTY

4 By Samuel J. Garcia
5 Samuel J. Garcia, Chairman
6 BOARD OF COUNTY COMMISSIONERS

7 This Ordinance was recorded in the Santa Fe County Ordinance Book on the
8 12th day of April, 1983, in Book No. 460 pages 268,
9 through 27. This Ordinance shall take effect thirty (30) days after
10 the date of recording.

11
12
13 ATTEST;

14 By: Angie Vigil Perez
Angie V. Perez, County Clerk

15 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
16 (Montoya, Murphy & Kauffman)

17 By: Samuel Murphy
18 County Attorney

19 COUNTY OF SANTA FE) SS
STATE OF NEW MEXICO)

20 I hereby certify that this instrument was filed
for record on the 14 day of April A.D.
21 1983 at 9:37 o'clock A.M.,
and was duly recorded in book 460
page 268-269 the records of Santa Fe County.

22 Witness my Hand and Seal of Office

ANGIE VIGIL PEREZ

County Clerk, Santa Fe County, N.M.

Irene Rosasco
Deputy



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