

MINUTES OF THE
SANTA FE COUNTY
ETHICS BOARD MEETING

Santa Fe, New Mexico

October 3, 2011

This meeting of the Santa Fe County Ethics Board was convened by Chair Randy Forrester, on the above-cited date at approximately 1:30 p.m. at the Santa Fe County Legal Conference Room, County Administration Building, Santa Fe, New Mexico.

Roll call indicated the presence of a quorum as follows:

Members Present:

Randy Forrester
Estevan Baca
Adair Waldenberg
David Mittle, Alternate

Member(s) Excused:

None

Elected Official(s):

Danny Mayfield, County Commissioner

Others Present:

Diane Garrity, Contract Ethics Official
Steve Ross, County Attorney
Lisa Roybal, County Manager staff
Penny Ellis-Green, Deputy County Manager
Bernadette Salazar, County HR Director
Ron Pacheco, County Senior Program Administrator

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for
Record On The 5TH Day Of June, 2012 at 04:45:10 PM
And Was Duly Recorded as Instrument # **1671459**
Of The Records Of Santa Fe County

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



III. Approval of Agenda

Mr. Baca moved to approve the agenda as published. Ms. Waldenberg seconded and the motion carried unanimously.

IV. Approval of August 11, 2011 minutes

Chairman Forrester said his correction of the June minutes were not accurately reflected and it was the word "asked" be substituted for "~~proposed~~ directed" in his comments.

Ms. Waldenberg moved to approve the minutes as amended and Mr. Baca seconded. The motion carried unanimously.

V. Discussion and Direction Concerning Language Regarding “Volunteers” in the Code of Conduct Ordinance

Bernadette Salazar, County HR Director, said the current requirement is that all volunteers complete a conflict of interest form pursuant to the Code of Conduct. Based on issues that have arisen, staff is recommending modifications to the language to include changes to the definition of volunteer. She offered the following definition:

Volunteer means a person who is a Volunteer Firefighter/Emergency Responder, a Volunteer Sheriff Deputy Reserve, or any other volunteer who is not supervised or monitored by a County employee or Elected Official or has the authority to make decisions that affect County business or have the ability to purchase goods or serves with County resources.

Ms. Salazar said there has been an issue with senior service volunteers who have recently transitioned from the City’s Senior Service to the County and who have expressed displeasure having to comply with this rule.

Ron Pacheco, County Senior Program Administrator, said many of the seniors in the program have been volunteering for years and are disturbed at being asked to fill out a financial disclosure form. Mr. Pacheco said the volunteer services that seniors provide include kitchen work, teaching art class, delivering meals, companion sitting, etc. He said there was quite a spectrum of volunteers.

Ms. Waldenberg expressed concern that the proposed language may exempt volunteers that could possibly influence a purchase process. Deputy Director Ellis-Green said the County did not have volunteers working in the procurement or other offices.

Ms. Salazar said election workers are not privy to any County confidential information. She noted that the senior centers have administrative staff that handle financial issues. She added that department heads were contacted and asked about volunteers within their department and at this point none have been identified.

Ms. Garrity suggested focusing on the issue that might trigger the Government Conduct Act with a volunteer rather than trying to capture every volunteer that may be with the County.

Commenting that volunteer firefighters are paid, Chair Forrester suggested they did not fall within the definition. Ms. Salazar clarified that while volunteer firefighters receive a stipend, pursuant to the Fair Labor Standards Act they are not considered employees and are volunteers. Ms. Garrity concurred stating they do not receive benefits. Chair Forrester said the definition he researched clearly states a volunteer is defined as someone who receives no compensation.

Mr. Pacheco said at this time there is no available funding but in the past senior volunteers have received a stipend.

Ms. Ellis-Green noted that the volunteers do not determine who receives a meal.

Chair Forrester appreciated that some volunteers were uncomfortable with the existing policy and it merited review; however, he was convinced the proposed language was a good fit. He suggested two different forms be developed.

Ms. Salazar said HR staff has researched and developing a one-page general volunteer agreement form that all volunteers would be required to sign. The document would establish, following the policy of Santa Fe County, "conflict of interest" and "proper County business." The draft has not been forwarded to the legal department for review.

Ms. Waldenberg suggested forwarding an endorsement of a volunteer form containing the kind of language that places the burden on the volunteer to follow County procedures, processes and the Ethics Code.

Ms. Salazar said volunteer firefighters were included in the language because they wear uniforms similar to paid staff and that the Chief oversees the volunteer program.

Chair Forrester said since the Fire Chief does supervise volunteer firefighters, he recommended adjusting the definition to address that. Ms. Salazar said the fact that they are excluded is unbelievable. There was a suggestion to eliminate "or" and use bullets to better clarify the definition.

Mr. Baca asked who makes the determination if a volunteer falls under the definition that requires filing a conflict of interest form. Ms. Ellis-Green said the County HR will develop a uniform policy to address that.

Ms. Salazar identified that volunteers serve the Teen Court, public housing, elections, juvenile detention, and conduct Bible study within the correctional facility.

Mr. Baca moved to forward a positive recommendation to amend Ordinance 2010-12 and revise the definition of "volunteer" with the caveat that staff develop a simplified form for the volunteers who do not fall under the new definition. Ms. Waldenberg seconded and the motion passed by unanimous voice vote.

For the record, Mr. Pacheco thanked the Committee and staff for their due diligence on this issue adding that it will be helpful in the senior programs.

VII. Matters from the Board

Chair Forrester advised the Board that he made a presentation to the County Commission and he was asked to thank the Ethics Board for their services. He said the Commission was very appreciative and attentive to this Board's efforts.

Ms. Ellis-Green said following publication of title and general summary, the Ordinance amendment may be heard at October 25th or November 8th meeting BCC meeting. She said she would advise the Board of the date.

Ms. Waldenberg said she was interested in seeing an expected timeline for staff and elected official training. Ms. Ellis-Green said once the volunteer definition is approved, everyone will have to go through the training by May 2012 and be a part of employee evaluation. Ms. Salazar said she would be able to provide that information along with periodic training reports.

VII. Matters from the Public

None were presented.

VIII. Executive Session

There were no matters requiring a closed session.

IX. Adjournment

Having completed the agenda and with no further business to come before this Board, Mr. Baca moved to adjourn. Ms. Waldenberg seconded and by unanimous voice vote this meeting was declared adjourned at 2:00 p.m.

Approved by:

Randy Forrester
Randy Forrester, Chair
Santa Fe County Board of Ethics

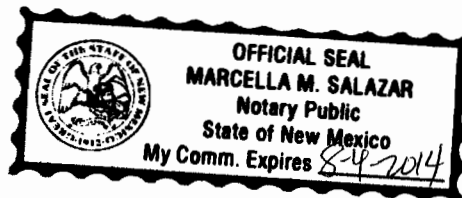
ATTEST TO:

COUNTY CLERK

Before me, this 5th day of JUNE, 2012.

My Commission Expires: Marcella M. Salazar
Notary Public

Submitted by: Karen Farrell, Wordswork



2102/08/08 REC'D 08/05/2012