

MINUTES OF THE
SANTA FE COUNTY
ETHICS BOARD MEETING

Santa Fe, New Mexico

April 12, 2012

This meeting of the Santa Fe County Ethics Board was convened by Chair Randy Forrester, on the above-cited date at approximately 3:00 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
- Leon Young

Member(s) Excused:

None

Others Present:

- Diane Garrity, Ethics Board Contract Counsel
- Steve Ross, County Attorney
- Lisa Roybal, County Manager staff
- Penny Ellis-Green, Deputy County Manager
- Bernadette Salazar, County HR Director
- Gigi Gonzales, County HR Staff
- Tara Lujan, City Ethics Committee

III. Approval of Agenda

The agenda was approved by consensus

IV. Approval of October 3, 2011 minutes

Chairman Forrester offered this clarified language to paragraph 7 on page 3: "Ms. Salazar said the fact that they are excluded is unbelievable."

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

V. Introduction of New Ethics Board Member, Leon Young

Chairman Forrester welcomed Mr. Young to the committee. Mr. Young gave an account of his background. He provides ethics, leadership and communication skills trainings and serves on a number of boards and in volunteer organizations. He is also an adjunct associate professor at the University of Maryland University College.

VI. Review and Discussion of the Open Meetings Act

County Attorney Steve Ross referred to the resolution in the packet which was from last year and copies of the current years resolution were distributed. *[Exhibit 1]* He noted there were no changes. The provisions of the resolution call for there to be notices of all meetings and that all meetings have posted agendas. Since the Ethics Board meets on an irregular basis most of the meetings will be “special” which require that notification be published three days prior. He said a number of media outlets get a “fax blast” notifying of meetings, in addition to publication in the newspapers.

Emergency meetings can be called if necessary but they must meet the standard of unforeseen circumstances that would result in injury or damage to persons or property or substantial financial lost. Mr. Ross said this occurs very rarely and as much notice as possible should be given.

Agendas should be posted in their finalized form 24 hours or more before the meeting occurs. Meetings can be recessed with a notice posted on the door and reconvened the next day. Notice of meeting cancellations should be posted in a conspicuous place.

Mr. Ross covered the circumstances under which telephone participation in a meeting can occur. It is discouraged but facilities are available to accommodate telephone participation.

Mr. Ross described the conditions under which a meeting can be closed. This must be on the agenda and the reasons for the closure must be declared in a specific motion, with all members’ votes recorded.

Ms. Waldenberg asked if two board members could speak to one another now that the membership is five persons. Mr. Ross said that is true as long as “rolling quorums” are not used. If it is anticipated that a quorum of members will be present at any gathering it can be noticed. Deputy County Manager Penny Ellis-Green said this often happens with the Board of County Commissioners.

VII. Ethics Training *[Exhibit 2: Power Point]*

Human Resource Director Bernadette Salazar gave an overview of the Ethics Training that will be provided to County employees. She introduced Gigi Gonzales, the Employee

Development Specialist in HR who will be involved in the trainings. Ms. Salazar said the training will combine ordinance provisions with real-life situations so that they can come to understand what's acceptable and what is not.

In response to a question by Ms. Waldenberg Ms. Salazar said the training was developed in-house from scratch based on researching other counties and local governments with a strong ethics component. Consistent language tended to emerge.

Objectives for the training include the meaning of ethics, the benefit of good ethics in the workplace and details of Santa Fe County's Code of Conduct. She intends to engage the trainees with questions like "What does ethics mean?" "What drives ethical behavior?" and the board members contributed their ideas.

Ms. Salazar brought up topics such as risk-taking, rationalizations, and the benefits of good ethics in the workplace. She stated employees are feeling more comfortable in bringing ethics-related complaints forward.

A discussion ensued about whistle-blowing and fostering a climate of trust.

Ms. Salazar noted that the presence of five unions ensures that employees know they have protections in place. She noted there are a number of items that employees can refer to including the Code of Conduct, the HR Handbook and department rules and regulations.

Ms. Salazar read a passage from the Code of Conduct defining its purpose. Mr. Baca said the verbatim format might be less digestible than layman's terms and bullet points. Ms. Garrity suggested having a handy acronym clearly outlining dos and don'ts. Ms. Salazar referred to the end of the presentation with a short list of things to remember.

Mr. Young asked about limits on gifts and Ms. Garrity said there are specifics in the State rules. Ms. Salazar noted the ordinance allows for some latitude on meals and such, but perception is important; accepting a cup of coffee could foster a perception of unfairness even if it is technically within specified limitations.

Ms. Salazar spoke of the acknowledgement forms that employees sign stating they have received the Ethics Ordinance. *[Exhibit 3]*

Mr. Baca suggested having a card with key points that could be carried in a wallet.

Mr. Mittle said affirmative reporting should be a goal. Mr. Young noted that in the federal code employees are informed they shall disclose waste, fraud, abuse, etc.

Ms. Salazar outlined the procedure for employees wishing to report infractions. If an employee feels uncomfortable speaking to anyone in the County there is a place on the website to contact the State Auditor's Office.

Ms. Waldenberg asked if the training had been given yet and Ms. Salazar said she is still getting feedback. She plans to target a diverse group of departments and get input. The training will be given at orientation and annually after that. Ms. Ellis-Green said there is a harassment workshop as well.

Mr. Young stressed performance is a separate issue from conduct.

Ms. Waldenberg added employees should be encourage to ask when they are in doubt.

Ms. Salazar described how the trainings would be carried out once the content is finalized.

VIII. Matters from the Board

Chair Forrester announced a quarterly report was presented to the Board of County Commissioners noting there had been no complaints.

IX. Matters from the Public

Tara Lujan, a member of the City of Santa Fe's Ethics Committee, asked if the power point will be on the website. Ms. Salazar said it will be once the feedback is consolidated. Ms. Waldenberg noted that the County's website is very transparent, more so than that of the City.

REC'D CLERK RECORDED 12/13/2012

X. Adjournment

Having completed the agenda and with no further business to come before this Board, Ms. Waldenberg moved to adjourn. Mr. Baca seconded and by unanimous voice vote this meeting was declared adjourned at 4:00 p.m.

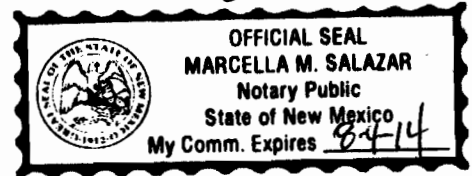
Approved by:

~~Randy Forrester, Chair~~
~~Santa Fe County Board of Ethics~~
Adair Waldenberg, Chair
Santa Fe County Board of Ethics

ATTEST TO:

COUNTY CLERK

Before me, this 13 day of December, 2012.
by Adair Waldenberg
My Commission Expires:

Notary Public
Submitted by: Debbie Doyle, Wordswork

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
ETHICS BOARD MINUTES
PAGES: 20

I Hereby Certify That This Instrument Was Filed for Record On The 13TH Day Of December, 2012 at 04:36:02 PM And Was Duly Recorded as Instrument # **1690540** Of The Records Of Santa Fe County

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

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY, NEW MEXICO

RESOLUTION NO. 2012-5

A RESOLUTION

DETERMINING REASONABLE NOTICE FOR PUBLIC MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY AND FOR BOARDS AND COMMITTEES APPOINTED BY OR ACTING UNDER THE AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS; RESCINDING RESOLUTION 2010-5

WHEREAS, NMSA 1978, Section 10-15-1(A) and -1(B) (1999) (the "Open Meetings Act") (hereinafter referred to as "the Act") provides that "... meetings of a quorum of members of any board, commission or other policymaking body of any ... county ... held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the ... Act ..."

WHEREAS, the Act further provides that "(a)ny meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public ...,"

WHEREAS, the Act further requires a public body to determine in a public meeting at least annually what notice is reasonable when applied to that body; and

WHEREAS, the Board of County Commissioners of Santa Fe County (hereinafter referred to as "the Board") desires to determine what constitutes reasonable notice to the public of its meetings and for meetings of boards and committees appointed by or acting under the authority of the Board as required by the Act, and to otherwise specify important elements of its continuing compliance with the Act.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, AS FOLLOWS:

- 1. Regular Meetings.** Unless otherwise specified in the notice of meeting, a regular meeting of the Board will be held beginning at 2:00 p.m. on the second Tuesday of each month, and an Administrative Meeting will be held beginning at 1 p.m. on the last Tuesday of each month. A regular meeting of a board or committee appointed by or acting under the authority of the Board shall be specified in the resolution creating such board or committee. Notice of a Regular Meeting shall be published in a newspaper of general circulation at least ten (10) days before such meeting. Notice of a Regular Meeting shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made written request for such notices.

CLERK RECORDED 12/13/2012
SFC CLERK RECORDED 01/11/2012

2. **Special Meetings.** A Special Meeting of the Board may be called by the Chair or by a majority of the members of the Board at such time and place as the Chair or a majority of the members of the Board deem appropriate. A Special Meeting of a board or committee appointed by or acting under the authority of the Board may be called by the chair of that board or committee or by a majority of the members of that board or committee at such time or place as the chair of that board or committee or a majority of members of the board or committee deems appropriate. Notice of a Special Meeting shall be published in a newspaper of general circulation at least three (3) days before such meeting. Notice of a Special Meeting shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made written request for such notice.

3. **Emergency Meetings.** An Emergency Meeting of the Board may be called by the Chair or by a majority of the members of the Board to consider unforeseen circumstances that, if not addressed immediately, will likely result in injury or damage to persons or property or substantial financial loss. An Emergency Meeting may be conducted at a time and place as the Chair or a majority of the members of the Board deem appropriate. An emergency meeting of a board or committee appointed by or acting under the authority of the Board may be called by the chair of that board or committee or by a majority of the members of that board or committee, to be held at such time or place as the chair of that board or committee or a majority of members of the board or committee deems appropriate. If possible given the emergency circumstances, notice of an Emergency Meeting shall be posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building and on the County's internet web site (www.santafecounty.org) at least twenty-four (24) hours prior to the meeting. If twenty-four (24) hours advance notice cannot be given, notice shall be posted as soon as possible under the emergency circumstances in existence. Notice of an Emergency Meeting shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made written request for such notice.

4. **Agendas.** Meeting notices shall include a preliminary agenda containing a list of specific items of business to be discussed or transacted at the meeting, or information on how the public may obtain a copy of an agenda. A preliminary agenda shall be prepared and posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building and on the County's internet web site (www.santafecounty.org) at least three (3) working days prior to the meeting. A final agenda shall be prepared and posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building no later than twenty-four (24) hours preceding the meeting.

5. **Recessed Meetings.** A meeting may be recessed to a later day, if, prior to recessing, the date, time and place for continuation of the meeting is specified, and, immediately following the recessed meeting, notice of the date, time and place for the reconvened meeting is posted on or near the door of the place where the original meeting was held. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting unless notice of the reconvened meeting is provided as otherwise set forth herein.

6. **Cancelled Meetings.** A meeting may be cancelled by posting a notice of

cancellation in a conspicuous and appropriate place at the Santa Fe County Administrative Building, posting a notice on the County's internet web site (www.santafecounty.org), and posting notices of the cancelled meeting on the doors at the County Administrative Building, as soon as practicable prior to the time and date of the cancelled meeting. Notice of a cancelled meeting shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made written request for such notice.

7. **Participation by Conference Telephone.** A member of the Board of County Commissioners may participate in a meeting of the Board by means of conference telephone or other similar communications equipment when it is difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the Board who speaks during the meeting.

8. **Closed Meetings.** A meeting of the Board of County Commissioners may be closed in the following manner:

a. If the Board is in an open meeting when a closed meeting is desired and authorized by the Open Meetings Act, then the closed meeting shall be approved on motion by a majority of a quorum of the Board and the authority for the closure shall be stated in the motion. The votes of the members on the motion shall be recorded in the minutes.

b. If the Board is not in a public meeting and a closed meeting is desired and authorized, public notice of the closed meeting, appropriate under the circumstances, shall be given stating the authority for the closure.

c. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state that the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

9. **Application to County Boards, Committees.** This Resolution shall apply to each meeting of a board or committee whose members are appointed by the Board or which is acting under the authority of the Board, except the Extraterritorial Land Use Authority, the Extraterritorial Land Use Commission, the Buckman Direct Diversion Board ("BDDDB"), the Regional Planning Authority ("RPA"), the Regional Emergency Communications Committee ("RECC"), the Northern Central Regional Transit District ("NCRTD"), or the Solid Waste Management Authority ("SWMA").

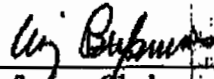
10. **Definition: "Meeting."** For purposes of this Resolution, the term "meeting" shall be defined as a meeting of a quorum of the members of the Board and each meeting of a board or committee whose members are appointed by the Board held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or

ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of the Board or a Committee.

11. Resolution No. 2011-3 is hereby rescinded.

APPROVED AND ADOPTED this 10th day of January 2012.

THE BOARD OF COUNTY
COMMISSIONERS OF SANTA FE COUNTY


Liz Stefancics, Chair

ATTEST:


Valerie Espinoza, County Clerk

APPROVED AS TO FORM:


Stephen C. Ross, County Attorney




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 11TH Day Of January, 2012 at 03:49:49 PM
And Was Duly Recorded as Instrument # 1657126
Of The Records Of Santa Fe County

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

SFC COUNTY CLERK RECORDED 12/13/2012



**Santa Fe County
Ethics Training**

Objectives

- Understand What Ethics Means
- Benefits of good ethics in the workplace
- Discuss what governs ethics at Santa Fe County and how it applies to you
- Discuss details of the Santa Fe County Code of Conduct

What Does Ethics Mean?

- When you hear the word Ethics, what comes to your mind?
- The definition according to the dictionary is a set of rules or standards that govern the conduct of a person or group of people
- What drives ethical behavior?
- Why do people do unethical things?

Benefits of Good Ethics in the Workplace

- Maintains trust of constituents
- Improves trust and respect at all levels of Santa Fe County
- Individual employees benefit because there is a clear understanding of what is expected, and leads to greater employee success
- Fosters a positive work culture and improves customer service.
- Employees are happier and proud to work for Santa Fe County
- Constituents receive better service

What Governs Ethics at Santa Fe County

- Santa Fe County Code of Conduct, Ordinance 2010-12
- Ordinance 2011-9, Amendment to Ordinance 2010-12
- Santa Fe County HR Handbook
- Departmental Rules and Regulations

Code of Conduct/Purpose

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.

Code of Conduct/Who Is Covered

- Elected Officials
- Appointed Officials
- Employees
- Volunteers

**Code of Conduct/
Non-Partisanship/Public Trust**

- Decisions
- Actions
- Votes
- Conduct

**Code of Conduct/Conduct
Avoiding Impropriety**

- Shall avoid conduct that creates the appearance of impropriety
- Shall not engage in conduct that violates the rights of others to be treated fairly and with dignity and respect
- Shall refrain from engaging in conduct, even if lawful, where personal gain or advantage is involved in a way that creates a reasonable influence that such office has been used for private benefit

Code of Conduct/Limitations on Employment Following Government Service

Elected Officials, Appointed Officials, or Employees shall not represent a person on a matter that the former County employee or official participated in personally and substantially for one year following the separation

Code of Conduct/Prohibited Financial Interest

- No one covered by the Code of Conduct may have a financial interest if they are in a decision-making capacity with respect to the financial interest
- Everyone covered must complete and file statement of Economic Interest within 10 days of becoming a County Official or employee and amended statements every year before January 11 of each year

Code of Conduct/Conflicts of Interest

- Shall strictly avoid transactions and relationships that create a conflict of interest
- When unavoidable, official, employee or volunteer shall disclose the conflict of interest and shall put public interest first

Code of Conduct/Conflicts of Interest

- Shall exercise duties, powers and prerogatives without prejudice or favoritism to hire, promote, or simply to reward family members, relatives, friends, political supporters, or to hinder or punish enemies and opponents.

Code of Conduct/Conflicts of Interest

- 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, grievance and ideas without regard to their willingness or ability to provide personal benefits or political support to the Elected or Appointed Official, employee or volunteer

Code of Conduct/Conflicts of Interest

- Shall not engage in any conduct that could create in the mind of a reasonable observer the belief that persons will receive better or different service if gifts, personal benefits or political or charitable contributions are provided
- Shall not solicit or receive gifts, personal benefits, favors, gratuities, or political 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.
- Shall not accept anything of value from anyone doing business with SFC, desires to do business, contracts with, is regulated by, or has an application pending approval by SFC

Code of Conduct/Confidential Information

- Shall not 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 one covered by the Code of Conduct shall use confidential information for personal benefit.

Code of Conduct/Duty to Report Improper Offerings

- Any covered by the Code of Conduct who receives an offer of a gift or anything of value that reasonably appears to have been intended to improperly influence County governmental actions shall firmly reject the offer and caution the person making it about a possible violation of bribery laws.
- If the attempt to improperly influence is clear, the person receiving the offer shall report it to law enforcement authorities.

Code of Conduct/Misuse of County Property and Resources for Private Gain or Personal Advantage

- Shall not use public property for any private use or nongovernmental purpose except as provided by law.
- Shall not seek, accept, use, allocate, grant or award public funds for a purpose other than 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.
- No employee shall be asked or permitted to perform personal services for an Elected Official or Appointed Official.

Code of Conduct/Misuse of County Property or Resources for Political Purposes

- No County resources shall be used for campaign purposes except for an election on a question proposed by SFC.
- Candidates or Elected Officials shall not use or authorized the use of public funds, time, facilities, equipment, mailing lists, computer data, services or other government asses for the purpose of political fundraising, campaigning, or influencing an election.

Code of Conduct/Misuse of County Property or Resources for Political Purposes

- Shall not solicit, accept or authorize a campaign contribution in a County facility or office. If it is offered, it must be refused and returned promptly.
- No distribution of literature intended to influence the election of a candidate in an election in a facility or office ordinarily used to conduct County government business

Code of Conduct/Misuse of Title or Prestige of Office for Private Gain or Personal Advantage

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

Code of Conduct/Coercion

- 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 something of value to the Elected Official

Code of Conduct/Reporting Violations

- Any Elected Official, Appointed Official, Employee, Volunteer, or member of the Public may submit a complaint of unethical conduct to the Ethics Board
- Deliver to County Attorney's Office a sworn complaint
- County Attorney's Office will forward to the County's contract ethics official who will determine if the complaint states a claim under the Ordinance. All employment matters will be forwarded to HR.

Code of Conduct/Reporting Violations

- If the complaint fails to state a claim under the Ordinance, the complaining party will be notified it has been dismissed and subject to a right of appeal to the Ethics Board.
- If the complaint states a claim under the ordinance, the ethics official shall investigate the allegations, prepare a report and present to the Ethics Board. The Ethics Board shall conduct a public hearing prior to taking any action.

Code of Conduct/Right of Appeal/Non-Retaliation

- Any decision of the 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.
- Retaliation is strictly prohibited against any person who has reported a violation of this Ordinance

Code of Conduct/Penalties

- A person who violates this Ordinance is guilty of a misdemeanor and is subject to one or more of the following:
 - A fine up to \$300 for each separate violation
 - A public reprimand
 - A recommendation to the District Attorney and that the violation be pursued in criminal or other proceedings
- Proceedings and penalties pursuant to the Santa Fe County HR Handbook where appropriate.

Ask Yourself:

- How will it affect my career, my future, my status in the community?
- Would I like my actions on the front page of the newspaper?
- What would my family and my peers think?
- What are the penalties?
- Is it really worth all the consequences?

Summary

- Hold yourself to a higher standard
- Don't do anything that may impair your ability to be objective
- Don't solicit or accept gifts
- Don't abuse your power or title for personal gain
- Don't give friends and family special privileges
- Don't use County resources inappropriately
- Tell the truth
- Share your passion for public service
- Abide by the Code of Conduct!



Santa Fe County Human Resources

www.santafecounty.org
949 W. Alameda SF, NM 87501
Ph: 505-992-9880 - Fax: 505-992-9895

tabbles

EXHIBIT

3

Ethics Ordinance Acknowledgement Form for Elected Officials, Appointed Officials and Volunteers

I have received a copy of the Santa Fe County Ethics Ordinance ("Ordinance") outlining the responsibilities of an employee and the responsibilities of the County as it pertains to the Ordinance. I have read the information contained in the Ordinance and it has been explained in detail during a formal training session provided by the Human Resources Office. If I have any questions relative to the Ordinance I understand I should contact the Human Resources Office or Legal Office. I agree to comply with the provisions of the Ordinance and understand that failure to do so may result in penalties as described within the Ordinance.

Employee Name – Printed

Department /Division/Office

Employee Signature

Date

CLERK RECORDED 12/13/2012