

D R A F T

SUBJECT TO APPROVAL

MINUTES OF THE
SANTA FE COUNTY
ETHICS BOARD

August 28, 2024

Santa Fe, New Mexico

1. This meeting of the Santa Fe County Ethics Board was called to order by Chair Jonelle Maison at approximately 4:35 p.m. on the above-cited date at the County Administration Complex, Plaza Conference Room, 100 Catron Street, Santa Fe.

2. Roll was called and the following members were present and affirmed the meeting was properly called:

Members Present:

Jonelle Maison, Chair
Clifford Rees, Vice Chair
Frances Carlson
Jesse Guillen

Member(s) Absent:

Tom Quaid

County Staff Present:

Gabe Bustos, Staff Liaison
Peter Valencia, Assistant County Attorney
Rachel Brown, Deputy County Attorney
Valerie Aghaei Park, Human Resources Director
Trey Pereyra, Human Resources

Others Present:

Chris Mechels [via Webex]

Peter Valencia, an Assistant County Attorney introduced himself saying he has been with the County since June. He was previously with the State Attorney General's Office and the Santa Fe District Attorney's Office. He said he was present to facilitate things and assure everything proceeded pursuant to ordinance and statute.

3. Approval of Agenda

Mrs. Carlson moved to approve the agenda as published and Mr. Rees seconded. The motion carried without opposition. [Mr. Guillen was not present for this action and arrived shortly thereafter.]

4. Approval of the Minutes: May 2, 2023

Mr. Rees noted that Mr. Guillen was not present for the May 2nd meeting. With that change, Mrs. Carlson moved approval and Mr. Rees seconded. The motion carried 3-0 with Mr. Guillen abstaining due to his absence from that meeting.

5. Presentation of Revised Santa Fe County Employee Ethics Training
[Exhibit 1: Power Point Presentation]

Human Resources Director Valerie Aghaei Park reminded the board she presented the previous training in January where she asked for suggestions for improvement. New employees receive the training and the yearly refreshers. Training is now done in person with active participation encouraged.

Trey Pereyra from the HR training staff said ethics can be a dry subject so they try to make it as engaging as possible. The first step is defining ethics. To break the ice employees are asked to rank the severity of potential ethics violations. Mr. Rees offered something is either ethical or not, although the examples provided could vary in seriousness resulting in a range of penalties.

Mr. Rees suggested using examples of situations the employees might actually find themselves in. Ms. Park said they try to tailor the training to what group they're working with, for instance, directors would have different situations than law enforcement.

Mr. Pereyra said the overall definition of ethics encompasses abiding by rules and policies – doing the right thing at all times, having integrity, and showing respect. Santa Fe County's commitments are read verbatim to the employees and they are required to make the same commitments in order to provide a good work environment. Additionally, they stress the County does not tolerate retaliation, discrimination or unfair labor practices.

The Code of Conduct covers everyone – elected officials, appointed officials, employees, temps and casuals, and volunteers. Mr. Pereyra reviewed employees' responsibilities regarding conflict of interest and gifts.

Ms. Park explained the policy on accepting invitations to events.

In response to a question from the Chair, Ms. Park said there is a special training for sexual harassment.

Mr. Pereyra turned to the issues of misconduct, confidentiality, and misuse of title, prestige or County resources, and provided examples. There are specific regulations pertaining to political activities.

There are five steps in reporting violations. Mr. Rees noted there was no reference to the Ethics Board, although it mentions a public hearing. Mr. Pereyra said having ethical standards provides expectations and fosters trust. He noted the County Manager participates in the ethics training,

and everyone is required to submit a conflict of interest form that has to be updated upon any relevant change in circumstance.

Mr. Rees asked what sort of questions are brought forward by the employees. Mr. Pereyra said questions usually apply to specific employment situations.

There was board consensus that this training reflected their suggestions and was an improvement over the last. Ms. Park stated she appreciated the input.

Mr. Rees reiterated a desire to attend a training to get a sense of how it's received. Ms. Park said she will provide a schedule. The in-person training is more effective. HR is open to questions at any time to clarify any ambiguous situations.

6. **Review Draft of Santa Fe County Ethics Complaint Form**
[Exhibit 2: Complaint Form]

Mr. Rees said he reviewed the form and thought it should be approved. Chair Maison noted final cleanup needs to be made. She asked where the complaint forms were available. Mr. Valencia said they can be obtained at the County Attorney's Office rather than the County Clerk's Office as stated on the form. The more it is disseminated the better. Mr. Rees indicated it is online as well, and Section 20.A speaks of how to report a complaint.

Chair Maison asked if the last page asking "Is this an ethics violation?" is necessary. Mrs. Carlson said it is useful in order to distinguish between, say, rudeness and an ethical complaint.

Mr. Valencia stated he could not give his opinion on the form since he is not an independent actor. He represents the Board of County Commissioners. Deputy Attorney Rachel Brown said the form was theirs to decide how they wanted to present it as a recommendation to the Commission.

Mr. Rees asked if the Attorney's Office provided legal advice to appointed officials, employees or volunteers. He said that issue should be discussed in executive session. Ms. Brown said it is more nuanced and that topic is not on the agenda. Mr. Rees asked if the form conforms to applicable County law, ordinance, resolution – applicable state law. A discussion ensued regarding the role of attorneys present.

Mr. Valencia said the question of whether the form is beneficial or not is not a legal question. Mrs. Carlson said they are trying to determine whether the form complies with County regulations. Chair Maison added a further question: will this form get the County in trouble?

Mr. Rees said there are various issues that should be discussed in closed session.

Chair Maison noted she will make the minor changes and a final draft could be voted on at the next meeting. There was no consensus on inclusion of the last page.

7. Upcoming Fall BCC Presentation

Mr. Rees referred to a previous conversation with Commissioner Greene wherein he requested a report on this board's activities and what they needed from the Commission. He opined individual members should have the option of presenting their points of view, for instance, whether the Ethics Board was necessary, given there have been no adjudicatory actions required thus far. He said one option would be to have an ad hoc committee formed as necessary if a case arose.

It was decided to prepare a short report for the presentation at the November 12th BCC meeting. Mr. Bustos said that should be possible and he will discuss with Commissioner Greene about what he and the other Commissioners would be interested in hearing.

Mr. Rees moved to amend the agenda to hear Matters from the Public before item 8. Mrs. Carlson seconded and the motion carried without opposition.

9. Matters from the Public

Chris Mechels referred to the BCC meeting of July 30th in which Commissioner Greene was challenged with an ethics violation by the County Manager, which he found shocking. He noted that when the Ethics Board was founded in 2010 it was as a creation of the County Manager and the County Attorney at the time. This was done in order to control the BCC through Section 24. He described it as a power grab. He advised eliminating this section. He stated the purpose of the Ethics Board is in place to serve the County Manager. He advised reforming the role of this committee or resigning.

Additionally, Mr. Mechels objected to the limited role the public is allowed during the meeting. The Ethics Board should be soliciting more public input not less.

8. Update Regarding Joint Meeting with the State Ethics Commission and Other Local Ethics Boards

Mr. Rees mentioned he had made a presentation laying out the legal authority for ethics board and commissions at the state and local level. In speaking to the director of the State Ethics Commission, Mr. Farris, the subject of a joint meeting was broached, given one role of the State Board of Ethics' is training. Mr. Ferris stated he would assign this task to the new deputy director, Emily Burley. It was suggested that this joint meeting take place after the next legislative session.

Chair Maison asked how many local entities there are among the counties and municipalities. She said it would be interesting to see what other groups are doing. She was in favor of such a meeting.

10. Date of Next Board Meeting: September 18, 2024, 4:30

Mr. Valencia offered to make a presentation on the Open Meetings Act and rules of order. Mr. Rees asked if the Ethics Board was required to pass a yearly resolution adopting the Open Meetings Act. He was told the BCC's resolution covers all the appointed boards and committees.

11. Adjournment

Upon motion by Mr. Rees and second by Mrs. Carlson, and with no further matters to come before this body, the meeting was declared adjourned at approximately 6:06 p.m.

Approved by:

Jonelle Maison, Chair
Ethics Board

Respectfully submitted by:


Debbie Doyle, Wordswork