

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**ETHICS BOARD**

**March 6, 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 4:32 p.m. on the above-cited date at the 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  
Tom Quaid

**Member(s) Absent:**

None

**County Staff Present:**

Gabe Bustos, Staff Liaison  
Estevan Sanchez, Assistant County Attorney  
Sara Smith, Operations Director (via Webex)

**Others Present:**

Chris Mechels (via Webex)

**3. Approval of Agenda**

Mrs. Carlson moved to approve the agenda as published and Mr. Quaid seconded. The motion carried without opposition.

**4. Approval of the Minutes: January 3, 2024**

Chair Maison provided some grammatical, non-substantive corrections to the recorder. With those changes, Mr. Quaid moved to approve the minutes. Mr. Rees seconded. Mr. Rees

complimented the recorder on the excellent, professional job and Chair Maison agreed. The minutes were approved by unanimous [5-0] voice vote.

Chair Maison noted that the previous meeting was a “brainstorming session” and somewhat informal. She apologized for not setting boundaries for guests. In the future comments from visitors will be restricted to the Public Comment and there will be no back-and-forth with the Board members.

## **5. Discussion on Other Local Government Ethics Boards & Ordinances**

*[Exhibit 1: Local Government Ethics Boards & Ordinances; Exhibit 2: New Mexico Ethics Laws/Local Government Applicability]*

Mr. Rees distributed material reflecting research he made regarding policies and procedures in other New Mexico entities. He provided background on his previous experience in state government and the legislature, in particular the state Ethics Commission and the Governmental Conduct Act. In general, the legal authority for local government ethics stems from the state constitution, home rule statutes, or through local government ordinances. He explained the concept of pre-emption, whereby local laws can be struck down if they are less strict than state rulings.

Counties and municipalities in New Mexico have a variety of ethics regulations. New Mexico does not have a “legislative history” per se, so courts rely on the Plain Meaning Rule.

There are state statutes that pertain to local entities:

- IPRA, the Inspection of Public Records Act
- The Conflict of Interest Act, now known as the Governmental Conduct Act
- The Open Meetings Act
- The Procurement Code, which has some ethical requirements
- The Whistleblower Protection Act
- The Fraud Against Taxpayers Act

In 2018 the State created a State Ethics Commission by constitutional amendment. In some circumstances this applies to local governments.

Mr. Rees pointed out the County’s Financial Disclosure Form corresponds to the Conflict of Interest Act. He referred to the Gift Act, which only applies to the state, although the Ethics Ordinance has similar provisions.

The State Department of Justice, also known as the Attorney General’s Office, has guidance available for IPRA, the Conflict of Interest Act and the Open Meetings Act.

Turning to the question whether local governments are required to adopt a Code of Conduct, Mr. Rees said it appears they are not. However, several counties have adopted such codes, especially the larger counties. His supporting material lists the counties with information on accessing their websites. Some have complaint forms, and Mr. Sanchez noted that Santa Fe County has had a complaint form in the past.

Mr. Rees indicated the City of Santa Fe has an Ethics and Campaign Review Board, and campaign finance may be something this body could take on.

Mr. Quaid noted Doña Ana County has a hotline rather than a commission to handle ethics complaints.

Mr. Rees asked: Does the State of New Mexico need a comprehensive and consistent set of public ethics laws for all levels of non-federal governments? He gave examples of such laws. Mr. Rees would like to see this and Chair Maison disagreed.

Mr. Rees referred to a paradox of ethics as highlighted by the Executive Director of the State's Ethics Commission Jeremy Farris, wherein accountability and elucidation of violations lead people to distrust government as a generalization. Additionally, Mr. Rees disagreed with the statement "you can't legislate ethics." Legislation provides guidelines/advice in advance on what is acceptable.

Mr. Rees defined policy as the collective decisions made by the decision-makers in accordance with law, to wit, statutes, the constitution, case law, etc. He pointed out that the Board of County Commissioners can act as all three branches of government.

Mr. Quaid thanked Mr. Rees for his work on this, and Mr. Rees said he would pass it along to Mr. Farris.

## **6. Overview of Ethics Complaint History**

Mr. Sanchez gave a brief history and listed all the complaints received since 2010, none of which were deemed to fall under the purview of this board. Most were made against employees and were dealt with by the Human Resources Department. One was deemed to not constitute a violation.

There was a discussion of the issue of should complaints be sworn, something debated in the past. Mrs. Carlson asked if there was language about perjury in the complaint. Mr. Sanchez said there is nothing in the notary block recommended by the Secretary of State. Mr. Rees said the state has now dropped their requirement to be sworn, seeing it as a hindrance.

Mr. Quaid asked how many people fall under the purview of this board. Mr. Sanchez said it is only elected officials, appointees, and volunteers, which explains the dearth of complaints. In response to a question from Mr. Rees, Mr. Sanchez said employees can file complaints.

Chair Maison asked about volunteer firefighters and Mr. Sanchez said a sworn complaint would come to this board. Mr. Rees pointed out that volunteer election workers, who are paid and temporary, are classified as public employees for the purposes of ethics complaints.

Mr. Rees said he was puzzled at the lack of complaints and that the jurisdiction of the Ethics Board may be too narrow. He requested a discussion at a future meeting of campaign issues.

Mr. Sanchez stated that in formulating the Ethics Ordinance, the board initially had provisions about campaign issues and later deferred to the state to avoid potential double jeopardy. Such complaints go to the Secretary of State, even for local elections. Most of the ethics complaints coming in to the City of Santa Fe involve campaigns. However, it should be noted that the City has public financing of campaigns. Mr. Guillen recalled a case where a candidate used public funds to buy gift cards for volunteers, and this was deemed an unacceptable use.

Mr. Rees said if the campaign complaint is criminal it will be passed to the AG; if civil it will go to the Ethics Commission.

## **7. Review and Discuss Santa Fe County Employee Ethics Training** *[Exhibit 3: Power Point Presentation]*

Chair Maison asked for clarification of the statement, “To report an ethics violation, you should submit a sworn complaint alleging unethical conduct to the County’s Ethics Board.” Mr. Sanchez stated the County Attorney’s Office first screens the complaint, which is then reviewed by the contract attorney (CCEO). Only then would it come to the Ethics Board. The complainant can appeal the CCEO’s decision to this board.

HR had requested examples they could use for training purposes, such as what kinds of gifts could be accepted. Chair Maison said in her previous jobs one could accept anything that could be shared with coworkers.

Mr. Rees showed a “swag bag” the County had given out with various small items, which theoretically constitute gifts. He understood there is a \$250 limits. Chair Maison said she would characterize the items as promotions and they are available to everyone. She added the meals and entertainment mentioned in the ordinance must be public.

Chair Maison stated she would contact HR and get the training schedule for those on the board wishing to attend. Mr. Quaid said he would look through his records for examples for training purposes that the previous board put together.

## **8. Matters from the Board**

Mr. Guillen had requested this be on the agenda just in case any issues arose. Chair Maison invited board members to request future agenda items.

Mrs. Carlson asked if being on this board precluded her from being on other committees. Mr. Sanchez said it did not.

## **9. Public Comment**

Chair Maison said there would be a ten-minute time limit and the board would not be taking questions. Significant technical difficulties were experienced and the remarks from Chris Mechels could not be heard.

**10. Date of Next Meeting**

The next meeting was scheduled for Thursday, May 2, 2024. Chair Maison again solicited potential subjects for discussion.

**11. Adjournment**

With no further matters to come before this body, the meeting was declared adjourned at approximately 6:12 p.m.

Approved by:

  
Jonelle Maison, Chair  
Ethics Board

Respectfully submitted by:

Debbie Doyle, Wordswork