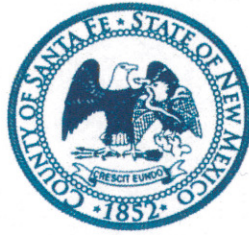


Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Roman Abeyta
County Manager

MEMORANDUM

DATE: August 30, 2011
TO: Board of County Commissioners
VIA: Katherine Miller, County Manager
FROM: Lisa A. Roybal, Executive Administrator
RE: Consideration of Publication of Title and General Summary of Ordinance No. 2010-12 Enacting A Santa Fe County Code of Conduct And Repealing Ordinance No. 2004-3

ISSUE:

On the agenda under Matters from the Ethics Board:

Consideration of Publication of Title and General Summary of Ordinance No. 2010-12 Enacting A Santa Fe County Code of Conduct And Repealing Ordinance No. 2004-3

The Santa Fe County Ethics Board had its first meeting on May 12, 2011. At the June 9, 2011 meeting and the August 11, 2011 meeting, on the Agenda was Review, Discussion and Possible Action on Changes to Ordinance 2010-12.

The Ethics Board has provided some proposed changes to Ordinance No. 2010-12. Attached, please find a memo from the Board Chair, Mr. Randy Forrester regarding the outlined proposed changes along with a copy of the Ordinance incorporating the changes.

REQUEST ACTION:

County Manager Miller respectfully requests the Board of County Commissioners provide approval for Publication of Title and General Summary of Ordinance No. 2010-12 Enacting A Santa Fe County Code of Conduct And Repealing Ordinance No. 2004-3.

TO: Santa Fe County Commissioners

FROM: Randy Forrester, Chair, Santa Fe County Ethics Board

SUBJECT: Proposed Changes to Ordinance No. 2010-12 – An Ordinance Enacting a Santa Fe County Code of Conduct and Repealing Ordinance No. 2004-3

DATE: August 22, 2011

The Santa Fe County Ethics Board (Board) has been meeting monthly since May 2011 and one of the tasks it undertook was a review of Ordinance No. 2010-12 – An Ordinance Enacting a Santa Fe County Code of Conduct and Repealing Ordinance No. 2004-3. The Board is recommending that the following changes be made to this ordinance, in order to clarify various sections and make other operational improvements to this very good ordinance. Those recommended changes, and their rationale, are as follows.

Definitions, Section Four of Ordinance No. 2010-12.

The Board recommends expanding the definition of “family” to read “An individual’s spouse, domestic partner, parent, child, sibling and like in-laws, by consanguinity or affinity, and persons, related or unrelated, living within the household.” The Board believes this more inclusive definition will clarify what constitutes a family, in relation to potential ethics violations.

The current ordinance references “immediate family” but does not contain a definition for this. The Board recommends that the definition of “immediate family” from the previous ordinance, Ordinance No. 2004-3 be used, which reads “a spouse, domestic partner, child of a sibling, a parent, a grandparent, a grandchild, like in laws, and like step-relationships.”

Conflicts of Interest, Disclosure, Subsection 10(A) of Ordinance No. 2010--12

The Board recommends that the phrase “has an affirmative duty” be inserted in lines four and five after “Volunteer” and “Conflict of Interest and” to further strengthen the ordinance in terms of an individual taking affirmative action to disclose a conflict of interest.

Prohibited Uses of Campaign Funds Subsection 20 (C) of Ordinance No. 2010-12.

The Board recommends deleting the word “immediate” after “Candidate’s” in the first line. The Board believes it is more appropriate to use the broader definition of family in this instance.

County Ethics Board, Subsection 24(A) of Ordinance No. 2010-12.

The Board is recommending that the number of members of the County Ethics Board be expanded from three to five members. The Board has seen where the City of Santa Fe's Ethics Committee has not been able to meet, due to several of its members having conflicts of interest. Subsequently, they have not been able to establish a quorum take action on a pending ethics violation complaint. By expanding the County's Board to five members, we believe this will help to preclude this potential problem.

The Board recommends clarifying Subsection L by having it read "A member of the Ethics Board may be removed by the Board of County Commissioners for just cause."

Recusal, Subsection 27 of Ordinance No. 2010-12.

The Board recommends that the following phrase be inserted into subsection 1. B. after "when the official" – "or anyone living in the official's household." The Board believes that potential conflicts of interest may include individuals living in an official's household and this expansion is in line with the intent of this ordinance.

The Board recommends that the following language be inserted to strengthen and clarify declarations of conflicts of interest. "The Elected Official or Appointed Official recusing himself or herself shall disclose the specific reason for a recusal contemporaneous with the recusal."

Penalties, Section 29 of Ordinance No. 2010-12.

The Board recommends that the following language be included under the Penalties section, noting that the following action may be taken regarding ethics violations. "a recommendation to the District attorney that proceedings to remove the person from elected office may be commenced pursuant to NMSA 1978, S. 10-4-1 et. seq. (1909, as amended)."

The Santa Fe County Ethics Board is very proud of the strengthened ethics ordinance that the Santa Fe County Commissioners passed last year. The Board respectfully requests that the above-referenced changes be made to clarify and strengthen various provisions of this ordinance, as well as to preclude potential future problems.

Randy Forrester, Chair
Santa Fe County Ethics Board

Adair Waldenberg, Vice-Chair
Estevan Baca, Member
David Mittle, Alternate

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2011-__

AN ORDINANCE ENACTING AMENDMENTS TO ORDINANCE NO. 2010-12 (THE SANTA FE COUNTY CODE OF CONDUCT), AMENDING DEFINITIONS, AMENDING DISCLOSURES TO REQUIRE AFFIRMATIVE DISCLOSURES OF CONFLICTS RESULTING IN RECUSAL OR OTHERWISE, INCREASING THE COUNTY ETHICS BOARD TO FIVE MEMBERS, INCLUDING AN ADDITIONAL PENALTY OF REMOVAL FROM OFFICE, AND REPEALING INCONSISTENT LANGUAGE

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO, THE FOLLOWING AMENDMENTS TO ORDINANCE NO. 2010-12 ("CODE OF CONDUCT"):

Section One. Definitions. Section Four of Ordinance No. 2010-12 shall be and hereby is amended with the following additional definition:

"S. **"Contract"** means an agreement between two or more parties, whether express or arising by operation of law;"

Section Two. Definitions. Subsection Four (K) (Definition: "Family") of Ordinance No. 2010-12 shall be and hereby is repealed and the following additional definition substituted:

"K. **"Family"** means an individual's spouse, domestic partner, parent, child, sibling and like in-laws, by consanguinity or affinity, and persons, related or unrelated, living within the household;"

Section Three. Definitions. A new subsection Four (S) (Definition: "Immediate Family") of Ordinance No. 2010-12 shall be and hereby is enacted:

"S. **"Immediate Family"** means a spouse, domestic partner, child of a sibling, a parent, a grandparent, a grandchild, like in-laws, and like step-relationships."

Section Four. Conflicts of Interest, Disclosure. Subsection 10(A) ("Conflicts of Interest, Disclosure") of Ordinance No. 2010-12 shall be and hereby is amended, as follows:

"A. Elected Officials, Appointed Officials, Employees or Volunteers shall strictly avoid transactions and relationships that create a Conflict of Interest. Where a Conflict of Interest is unavoidable, the Elected Official, Appointed Official, Employee or Volunteer has an affirmative duty to disclose the Conflict of Interest and has an affirmative duty to subordinate the conflicting interest to the public interest."

Section Five. Prohibited Use of Campaign Funds. Subsection 20(C)("Prohibited Use of Campaign Funds, payments to a member of the candidate's Immediate Family") of Ordinance No. 2010-12 shall be and hereby is amended, as follows:

"C. Campaign funds shall not be paid to a member of the Immediate Family of the candidate as an employee or for goods or services provided to the campaign unless the amounts paid do not exceed the fair market value of the goods or services provided."

Section Six. County Ethics Board. Subsection 24(A) of Ordinance No. 2010-12 shall be and hereby is amended, as follows:

"A. There shall be created a Santa Fe County Ethics Board that shall consist of five members who shall be appointed by the Board of Commissioners. At least one citizen member shall be appointed; the citizen member shall not be affiliated with County government in any capacity, including, but not limited to, employment (including employment for which the salary is in any way funded by or through the County), appointment, election, or serving as a volunteer. The members of the County Ethics Board may not hold elected public office or office with any political party within the County. Each member shall serve a two year term, subject to reappointment thereafter."

Section Seven. County Ethics Board. Section 24 of Ordinance No. 2010-12 shall be and hereby is amended with the addition of the following subsections L, M and N:

"L. A member of the Ethics Board may be removed by the Board of County Commissioners for just cause;

"M. A vacancy on the Board shall be filled in the same manner as the initial appointment and the appointment shall continue for the remainder of the unexpired term of the departing Board member.

"N. Members of the Board shall not receive any salary or compensation for services."

Section Eight. Ex Parte Communications, Recusal. Subsection 27 of Ordinance No. 2010-12 shall be amended as follows:

"B. RECUSAL.

"1. An Elected Official or Appointed Official shall recuse himself or herself in any pending administrative adjudicatory matter in which the official is unable to make a fair and impartial decision or in which there is a reasonable doubt about whether the official can make a fair and impartial decision, including:

"a. when the official has a personal bias or prejudice concerning a party or its representative or has prejudged a disputed evidentiary fact. For the purposes of this paragraph, "personal bias or prejudice" means a predisposition toward a person based on a previous or ongoing relationship, including a professional, personal, familial or other intimate relationship, that renders the official unable to exercise his or her functions impartially;

"b. when the official or anyone living in the official's household has a pecuniary or Financial Interest in the outcome of the proceeding;

"c. when, during previous employment, the official served as an attorney, adviser, consultant or witness in the matter in controversy; or

"d. when the official announced how he or she would rule on the adjudicatory proceeding or a factual issue in the adjudicatory proceeding.

"2. The Elected Official or Appointed Official recusing himself or herself shall disclose the specific reason for a recusal contemporaneous with the recusal.

"~~3~~2. An Elected Official or Appointed Official shall not be required to recuse himself or herself in any pending administrative adjudicatory matter merely because the official possesses and discusses general viewpoints on public policy that an application may raise. Similarly, an Elected Official shall not be required to recuse himself or herself in any pending administrative adjudicatory matter merely because the Elected Official made representations during a political campaign on viewpoints on public policy that an application may raise.

"~~4~~3. If, prior to the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a party shall promptly notify the Elected Official or Appointed Official of the grounds for recusal. If Elected Official or Appointed Official declines to recuse himself or herself upon request of a party, the official shall provide a full explanation in support of his refusal to recuse himself or herself.

"54. If, during the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a party shall promptly notify the Chair of the grounds for recusal. If the Elected Official or Appointed Official declines to recuse himself or herself, the Chair may entertain a motion to excuse the official from further participation in the matter. If the motion is successful, the official shall be excused from further participation in the matter."

Section Nine. Section 29 of Ordinance No. 2010-12 shall be and hereby is amended with an additional subparagraph 29(E), as follows:

"SECTION 29. PENALTIES.

"A person who violates this Ordinance is guilty of a misdemeanor and is subject to one or more of the following:

"A. a fine of up to three hundred dollars (\$300.00) for each separate violation of this Ordinance;

"B. a public reprimand;

"C. a recommendation to the District Attorney that the violation be pursued in criminal or other proceedings;

"D. proceedings and penalties pursuant to the Santa Fe County Personnel Handbook, where appropriate; and

"E. a recommendation to the District Attorney that proceedings to remove the person from elected office be commenced pursuant to NMSA 1978, § 10-4-1 *et seq.* (1909, as amended)."

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Virginia Vigil, Chair

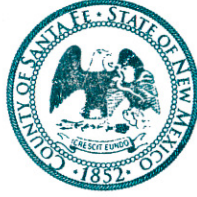
ATTEST:

Valerie Espinoza, Clerk

Approved as to form:



Stephen C. Ross, County Attorney



Finance Division

Memorandum

To: Santa Fe Board of County Commissioners

From: Evelyn F. Valencia, Senior Accountant *E.V.*

Via: Teresa C. Martinez, Finance Director *T.C.M.*

Date: August 30, 2011

Re: *Presentation of the Santa Fe County Advertising & Promotional Efforts Summary from Santa Fe Communications Group, Inc., DBA Impressions Advertising*

ISSUE:

The Santa Fe County Finance Division brings forward a presentation from Santa Fe Communications Group, Inc., DBA Impressions Advertising, the Contractor responsible for the Advertising and Promotional Services through the Lodger's Tax Advisory Board and Santa Fe County.

BACKGROUND:

This presentation includes an overview of the advertising and promotional efforts agreed upon through the advice of the Lodgers' Tax Board in FY2011. The efforts were advertised in targeted geographic areas to entice the audience to travel to New Mexico, more specifically, Santa Fe County and create a visual of what the County has to offer as a vacation destination.

RECOMMENDATION:

The Finance Division requests your time and attention to the presentation today by Russ Rountree, President of Impressions Advertising.



TO: Santa Fe Board of County Commissioners
FROM: Russ Rountree, Impressions Advertising
DATE: August 22, 2011
RE: Lodger's Tax Marketing/Advertising Promotion

The following packet contains marketing information regarding efforts that Impressions Advertising has (and is) undertaking in promoting visitation to Santa Fe County. Included in this packet are the FY 11 Budget and Media Plan as well as some samples of the ads that have run to promote tourism to Santa Fe County.

1. FY 11 Marketing Goals
 - Increase the number of visitors to Santa Fe County
 - Increase awareness of Santa Fe County as a travel destination
 - Increase repeat visits
 - Increase ad inquiries, conversion rates, and web user sessions
2. FY 11 Marketing Tactics
 - National/Regional Print Advertising
 - In-state Broadcast/Cable Advertising
 - Internet Marketing
 - Public Relations
3. FY 11 Marketing Results
 - Increase in Lodger's Tax collections of 8.6% for FY 11 (\$359,957.84) over FY 10 (\$331,478.37)*
*(adjusted for July-May)
 - Decrease in advertising inquiries of 2.5% for FY 11 (26,013) over FY 10 (26,680)
 - Decrease in website inquiries of 4.1% for FY 11 (25,622) over FY 10 (26,679)

If you should have questions or comments regarding the County's promotional efforts, you may always contact me at 988-1402 or Russ@ImpressionsAdv.com.

**Santa Fe County
FY 11 Budget**

Line Item	SFC Contract \$285,000	Budget \$287,100	DOT Match \$2,100	Percentage of Total Budget
Gross Receipts Tax		\$23,000		8.01%
Media		\$167,901	% of Media Budget	58.48%
National Leisure Travel	\$70,022		42%	
In-State Leisure Travel	\$22,186		13%	
On-Line Marketing	\$75,693		45%	
Account Service		\$19,550		6.81%
Production		\$25,950		9.04%
Web		\$18,075		6.30%
Production	\$17,775			
Hosting	\$300			
Public Relations		\$18,500		6.44%
Fulfillment		\$11,600		4.04%
Postage	\$100			
Handling	\$100			
Phones	\$1,000			
Voice Mail	\$250			
Storage	\$1,650			
Brochure Distribution	\$3,500			
Fulfillment Administration	\$5,000			
Printing		\$0		0.00%
Photography		\$1,400		0.49%
Other Production/Miscellaneous		\$300		0.10%
TOTALS		\$286,276		99.71%
		\$824 Under/(Over)		-0.29%

Santa Fe County
10/11 Media Plan

NATIONAL LEISURE TRAVEL

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	TOTALS
2011 New Mexico Vacation Guide Circ: 700,000 - 1/6 page 4-c							X \$3,035						\$3,035
Arthur Frommer's Budget Travel Circ: 575,000 - 1/6 page 4-c									X \$8,022				\$8,022
Home & Away Circ: 295,023 - 1/3 page 4-c (OK & Mpls. editions) *Oct placement = 1/6p 4-c				X \$3,500					X \$6,215				\$9,715
New York Times Magazine Circ: 1,681,111 - 1/9 page 4-c "T Travel"			X \$9,565								X \$9,565		\$19,130
Oklahoma Today Circ: 38,500 - 1/2 page, 4-c					X \$2,500				X \$2,500				\$5,000
Southern Living SW Circ: 640,000 - 4" 4-c Travel Directory				X \$5,825					X \$5,825				\$11,650
Sunset Circ: 425,000 - 1/6 page 4-c (So. Cal. & SW editions)				X \$6,735						X \$6,735			\$13,470
	\$0	\$0	\$9,565	\$16,060	\$2,500	\$0	\$3,035	\$0	\$22,562	\$6,735	\$9,565	\$0	\$70,022
	NATIONAL LEISURE TRAVEL TOTAL: \$70,022												

Prepared by:
Impressions Advertising
322 Paseo de Peralta
Santa Fe, NM 87501
505.988.1402/505.984.0341 fax
ImpressionsAdv.com

Santa Fe County
10/11 Media Plan

IN-STATE LEISURE TRAVEL

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	TOTALS
Television (Broadcast/Cable)			X	X					X	X		X	
		\$4,475	\$4,475	\$4,388					\$4,475	\$4,460		\$4,388	\$22,186

	\$0	\$0	\$4,475	\$4,388	\$0	\$0	\$0	\$0	\$4,475	\$4,460	\$0	\$4,388	\$22,186
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IN-STATE LEISURE TRAVEL TOTALS: \$22,186

ON-LINE CAMPAIGN

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	TOTALS
Denver Travel Email		X	X		X	X							
		\$4,485	\$4,485		\$4,485	\$4,485							\$17,940

Dallas Travel Email		X	X		X		X	X	X				
		\$5,495	\$5,495		\$5,495		\$4,396	\$4,396	\$4,396				\$29,673

Dallas Web Banner										X		X	
										\$4,275		\$4,275	\$8,550

OK City Web Banner										X	X	X	
										\$2,675	\$2,675	\$2,675	\$8,025

Denver Web Banner										X	X	X	
										\$3,835	\$3,835	\$3,835	\$11,505

	\$0	\$9,980	\$9,980	\$0	\$9,980	\$4,485	\$4,396	\$4,396	\$4,396	\$10,785	\$6,510	\$10,785	\$75,693
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ON-LINE CAMPAIGN TOTALS: \$75,693

Monthly Totals	\$0	\$9,980	\$24,020	\$20,448	\$12,480	\$4,485	\$7,431	\$4,396	\$31,433	\$21,980	\$16,075	\$15,173	\$167,901
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TOTALS

Individual Travel/Leisure: \$70,022
 In-State Leisure Travel: \$22,186
 On-Line Campaign: \$75,693

GRAND TOTAL: \$167,901

The experience of the land challenges you to move beyond the mundane and enter the domain of the sacred...



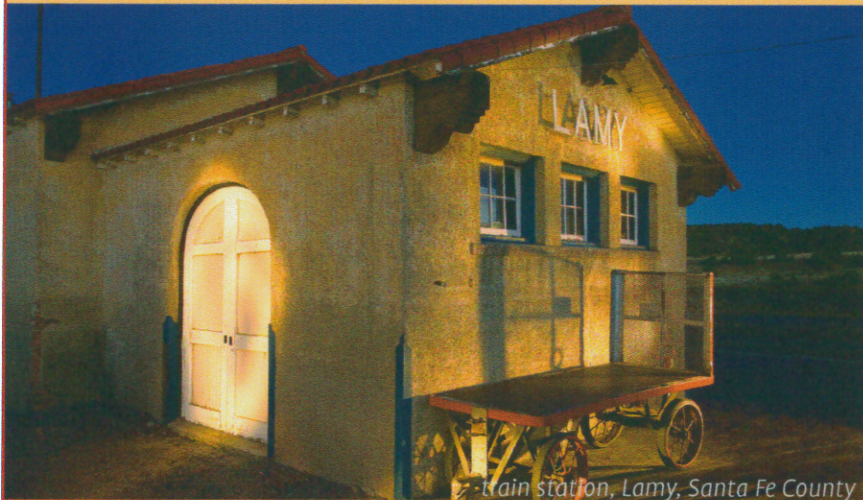
Chimayó, Santa Fe County

santa fe county
It's no place like home!

call or click for a free santa fe county brochure

1-800-548-8272 | www.SeeSantaFe.org

Discover a place where slow pace is still considered a virtue and watch yourself unwind...



train station, Lamy, Santa Fe County

santa fe county
It's no place like home!

call or click for a free santa fe county brochure

1-800-548-8272 | www.SeeSantaFe.org



IMPRESSIONS
ADVERTISING

With a cultural mix unique in the United States, festivals here become something extraordinary...



Dance of the Matachines, Santa Fe County

santa fe county
It's no place like home!

call or click for a free santa fe county brochure

1-800-548-8272 | www.SeeSantaFe.org

Out here there really is time to just sit and watch the seasons turn...



Aspen Vista, Santa Fe County

santa fe county
It's no place like home!

call or click for a free santa fe county brochure

1-800-548-8272 | www.SeeSantaFe.org

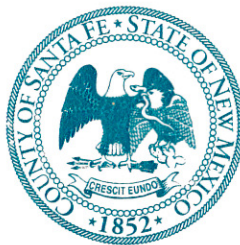


IMPRESSIONS
ADVERTISING

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: August 26, 2011

TO: Board of County Commissioners

VIA: Katherine Miller, County Manager

FROM: Chris M. Barela, Constituent Service Liaison District 3

RE: Graduates of the Volunteer Fire Academies

ISSUE:

On the agenda number XII. *Matters From The Commission is:* Acknowledgment and Recognition of The Santa Fe County Fire Department Volunteer Firefighters who successfully completed the December 2010 and July 2011 Volunteer Fire Academies.

Request Action:

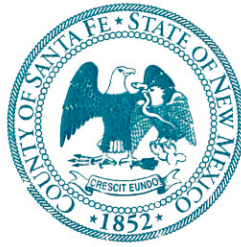
Commissioner Robert A. Anaya respectfully requests the Board of County Commissioners to acknowledge and recognize the graduates who completed the Volunteer Fire Academies.

**NO PACKET MATERIAL
FOR THIS ITEM**

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: August 26, 2011

TO: Board of County Commissioners

VIA: Katherine Miller, County Manager

FROM:  Chris M. Barela, Constituent Service Liaison District 3

RE: La Bajada Village

ISSUE:

On the agenda number XII. *Matters From The Commission is:* Update on the community of La Bajada's hardship and impact on agricultural land use and the community water system.

Request Action:

Commissioner Robert A. Anaya respectfully requests the Board of County Commissioners to adhere the update on the Community of La Bajada's hardship and impact on agricultural land use and the community water system.