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## STATE ETHICS COMMISSION'S OCTOBER 1, 2021 REPORT ON JURISDICTION:

Review and Recommendations

To: New Mexico Legislature  
&  
Gov. Michelle Lujan Grisham

STATE of NEW MEXICO



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## EXECUTIVE SUMMARY

In 2019, when the Legislature enacted the State Ethics Commission's initial enabling legislation, the Legislature required the State Ethics Commission to report by October 2021 whether the Legislature should extend the Commission's jurisdiction. See Laws 2019, Ch. 86, § 37(A). The Commission recommends the following expansions of the Commission's jurisdiction with respect to the Commission's administrative proceedings:

- Expand the Commission's subject matter jurisdiction to include those provisions of the New Mexico Constitution that limit emoluments, extra compensation, and legislative interests in civil offices and in contracts—namely, Article IV, Section 27; Article IV, Section 28; Article V, Section 12; and Article XX, Section 9 of the New Mexico Constitution. These constitutional provisions are at the center of the state's ethics laws and naturally fall within the State Ethics Commission's constitutional mandate and competence.
- Expand the Commission's personal jurisdiction to include jurisdiction for public agencies, as NMSA 1978, Section 10-16G-2(J) defines that term. Personal jurisdiction for both entity and individual respondents would enable the Commission to issue remedies against state agencies and state instrumentalities that would remain effective even if the official or employee who is directly responsible for a violation separates from the agency or from state service altogether.

After receiving the views of local governments across New Mexico and consulting with other state ethics commissions, the Commission does not recommend that, in the 2022 legislative session, the Legislature expand the Commission's personal jurisdiction in administrative proceedings to include the officials and employees of county and municipal governments, special districts, or school districts. While such an expansion might be sound in a future legislative session, the Commission does not recommend this expansion now. The Commission already has certain authority and responsibilities with respect to local governments—including the responsibilities to provide trainings and the discretionary authority to file civil enforcement actions to remedy violations of the Governmental Conduct Act, the Procurement Code, the Anti-Donation Clause, and the Campaign Reporting Act. These current responsibilities and powers, which are separate from the Commission's jurisdiction to decide administrative complaints, enable the Commission, in its opening years, to further New Mexico's ethics laws as they apply to the county and local governments. Furthermore, through FY22, the Commission has appropriated funds for only 5 FTE, which is insufficient to undertake a large expansion of the Commission's adjudicatory role to investigate and decide administrative complaints. Once the Commission has grown in capacity and is better able to execute its current

authority, the Commission might recommend an expansion of personal jurisdiction, after further consultation with New Mexico's county and municipal governments.

In lieu of a large expansion of jurisdiction in the Commission's adjudicatory role, the Commission does recommend two policy changes with respect to local governments:

- Amend NMSA 1978, Section 10-16G-8 (2019) to allow the Commission to receive requests for advisory opinions from the officials or employees of local governments, special districts and school districts and to issue advisory opinions in response to those requests. Currently, the Commission is not authorized to receive a request for an advisory opinion from an official or employee at the local government level. If the Commission were able to render advice to the officials and employees of local governments, the Commission could provide a needed service, particularly in counties and municipalities that might lack in-house counsel.
- Require the county and municipal governments to appoint the clerk or manager as the local government's "chief ethics officer," who shall have the ability to request advisory opinions and shall also have a bi-annual reporting requirement to the Commission for any ethics issues that arise related to the Governmental Conduct Act, the Procurement Code, the Anti-Donation Clause, and the Campaign Reporting Act (as it applies to county elected officials). These reports would inform the Commission of ethics issues at the local level. The chief ethics officer could also liaison with the Commission to receive trainings related to the state's ethics laws as they apply to local governments.

The Commission appreciates the support of the Legislature and the Governor to enhance ethical and transparent government in New Mexico.

Submitted: October 1, 2021

**State Ethics Commissioners**

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## ORIGIN OF THIS REPORT

Following ratification by over 75% of New Mexico electors voting in the 2018 general election, Article V, Section 17 of the New Mexico Constitution creates the State Ethics Commission as an “independent state agency under the direction of seven commissioners . . . .”<sup>1</sup> The Constitution authorizes the Commission to

initiate, receive, investigate and adjudicate complaints alleging violations of, and issue advisory opinions concerning, standards of ethical conduct and other standards of conduct and reporting requirements, as may be provided by law, for state officers and employees of the executive and legislative branches of government, candidates or other participants in elections, lobbyists or government contractors or seekers of government contracts and have such other jurisdiction as provided by law.<sup>2</sup>

The Commission’s authority under the Constitution must be “provided by law” and, hence, is not self-executing. In other words, the Constitution leaves it to the Legislature to say which “standards of conduct and reporting requirements” the Commission may oversee and, beyond the categories of persons that Section 17(B) specifies, against whom else the Commission may adjudicate alleged violations. Further, the Constitution provides that the Commission “shall have other such powers and duties and administer or enforce such other acts as further provided by law.”<sup>3</sup> This provision reserves to the Legislature the authority to assign the Commission with additional powers and responsibilities.<sup>4</sup>

In 2019, the First Session of the Fifty-Fourth Legislature enacted enabling legislation for the Commission, creating the State Ethics Commission Act and amending several statutes regarding New Mexico’s governmental conduct, procurement, and disclosure statutes.<sup>5</sup> This legislation gives the Commission a broad array of authority to adjudicate complaints, issue advisory opinions, and prosecute civil enforcement actions in state court.<sup>6</sup> The provisions regarding the Commission’s organization became effective on July 1, 2019, and the provisions enabling the Commission’s authority became effective on January 1, 2020.<sup>7</sup>

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<sup>1</sup> N.M. Const., art. V, § 17(A).

<sup>2</sup> N.M. Const. art. V, § 17(B).

<sup>3</sup> N.M. Const. art. V, § 17(C).

<sup>4</sup> See *id.*

<sup>5</sup> See Laws 2019, Ch. 86, §§ 1-34, 37-42.

<sup>6</sup> See, e.g., NMSA 1978, § 10-16G-9 (2019, as amended 2021).

<sup>7</sup> See Laws 2019, Ch. 86, § 41.

The initial legislation also required the Commission to report to the Legislature and the Governor by October 1, 2021, “regarding whether to extend [the] commission’s jurisdiction.”<sup>8</sup> The Legislature provided:

B. If the report recommends extension of the state ethics commission’s jurisdiction, the report shall address:

(1) a detailed plan for implementation of an extension of the commission’s jurisdiction and a proposed time line [sic] for implementation;

(2) the estimated number of additional employees and other resources needed by the commission to perform its expanded duties;

(3) estimated budget increases needed for the commission to perform its expanded duties; and

(4) recommended changes to existing law.<sup>9</sup>

This report is prepared and submitted in compliance with that mandate.

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<sup>8</sup> See Laws 2019, Ch. 86, § 37(A).

<sup>9</sup> Laws 2019, Ch. 86, § 37(B).



# OVERVIEW OF THE COMMISSION'S CURRENT JURISDICTION AND CAPACITY

## THE COMMISSION'S CURRENT JURISDICTION

Before considering proposed expansions of the Commission's jurisdiction, we present an overview of the Commission's current jurisdictional profile. By "jurisdiction," we mean (and understand the Legislature to mean) the Commission's power to decide an administrative complaint alleging a violation of a provision of law and to provide a remedy when a violation is found to have occurred.<sup>10</sup> This concept combines both the Commission's subject-matter jurisdiction (*i.e.*, which laws the Commission has authority to enforce) and the Commission's personal jurisdiction (*i.e.*, the persons who are subject to the Commission's adjudicative process and remedies).<sup>11</sup>

NMSA 1978, Section 10-16G-9(A)(1) through (9) (2019) sets forth the Commission's **subject-matter jurisdiction**. In its adjudicatory role, the Commission currently has the authority to decide whether there has been a violation of the following nine laws:

1. the **Campaign Reporting Act**, NMSA 1978, §§ 1-19-25 to -36 (1979, as amended 2021);
2. the **Financial Disclosure Act**, NMSA 1978, §§ 10-16A-1 to -9 (1993, as amended 2021);
3. the **Gift Act**, NMSA 1978, §§ 10-16B-1 to -5 (1993, as amended 2019);
4. the **Lobbyist Regulation Act**, NMSA 1978, §§ 2-11-1 to -10 (1977, as amended 2021);
5. the **Voter Action Act**, NMSA 1978, §§ 1-19A-1 to -17 (2003, as amended 2021);
6. the **Governmental Conduct Act**, NMSA 1978, §§ 10-16-1 to -18 (1993, as amended 2019);
7. the **Procurement Code**, NMSA 1978, §§ 13-1-28 to -1999 (1984, as amended 2019);
8. the **State Ethics Commission Act**, NMSA 1978, §§ 10-16G-16 to -18 (2019, as amended 2021); and

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<sup>10</sup> See, *e.g.*, *Jurisdiction*, BLACK'S LAW DICTIONARY (11th ed. 2019).

<sup>11</sup> See *Subject-matter jurisdiction*, BLACK'S LAW DICTIONARY (11th ed. 2019); *Personal jurisdiction*, BLACK'S LAW DICTIONARY (11th ed. 2019).

9. **Article IX, Section 14 of the New Mexico Constitution** (i.e., the “Anti-Donation Clause”).<sup>12</sup>

The Commission’s personal jurisdiction is established by Article V, Section 17(B) of the Constitution and Section 10-16G-9(A) of the State Ethics Commission Act. First, the Constitution sets a floor under the Commission’s **personal jurisdiction**. Under the Constitution, the following persons are subject to the Commission’s adjudicatory process: “state officers and employees of the executive and legislative branches of government, candidates or other participants in elections, lobbyists . . . government contractors . . . [and] seekers of government contracts . . . .”<sup>13</sup> In addition to this set of persons, Section 10-16G-9(A) provides that the following sets of persons are within the Commission’s jurisdiction: “public officials, public employees, candidates, persons subject to the Campaign Reporting Act, government contractors, lobbyists and lobbyists’ employers . . . .”<sup>14</sup>

Putting the constitutional and statutory provisions together, the Commission’s personal jurisdiction extends to all officials and employees in the executive and legislative branches of state government; all officials and employees in any instrumentality of the state; all persons subject to the Campaign Reporting Act, including all candidates, campaign committees, political committees, legislative caucus committees, reporting individuals, and treasurers of campaign committees or political committees; all lobbyists and lobbyists’ employers having disclosure duties under the Lobbyist Regulation Act; and all contractors to the state and seekers of contracts with the state.<sup>15</sup>

Under current law, therefore, many persons are subject to the Commission’s jurisdiction. There are approximately 47,000 persons employed by the State of New Mexico;<sup>16</sup> over 1,400 persons subject to the Campaign Reporting Act; 1332 lobbyists and lobbyist employers; and perhaps a few hundred persons who have reporting

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<sup>12</sup> Effective January 1, 2022, the Commission will also have subject matter jurisdiction for the Revised Uniform Law on Notarial Acts, NMSA 1978, §§ 14-14A-1 to 14-14A-32 (2021). See Laws 2021, Ch. 109, § 16.

<sup>13</sup> See N.M. Const., art. V, § 17(B).

<sup>14</sup> “Public officials” and “public employees” are defined terms under the State Ethics Commission Act, such that a “public official” means “a person elected to an office of the executive or legislative branch of the state or a person appointed to a public agency,” § 10-16G-2(L), a “public employee” means “an employee of a public agency,” § 10-16G-2(K), and a “public agency,” in turn, means

any department, commission, council, board, committee, agency, or institution of the executive or legislative branch of government of the state or any instrumentality of the state, including the New Mexico mortgage finance authority, the New Mexico finance authority, the New Mexico exposition center authority, the New Mexico hospital equipment loan council and the New Mexico renewable energy transmission authority.

§ 10-16G-2(J).

<sup>15</sup> See N.M. Const., art. V, § 17(B); § 10-16G-9(A).

<sup>16</sup> See U.S. Bureau of Labor Statistics, Data Tools, <https://www.bls.gov/data/#employment>; 41,088 active suppliers to the State of New Mexico (as of July 21, 2021)



obligations under the Financial Disclosure Act who are not also employees of the State of New Mexico.

## **THE COMMISSION'S CURRENT CAPACITY**

The Commission's statutory responsibilities fall on **five** employees: an Executive Director (exempt), a General Counsel (exempt), an Attorney III (classified personnel service), a Staff Manager (classified personnel service), and an Executive Assistant (exempt).<sup>17</sup> These employees are responsible for administering and investigating administrative complaints filed with the Commission. They are also responsible for much more: In addition to its jurisdiction for administrative complaints, the Commission also issues advisory opinions, prosecutes and litigates civil enforcement actions in state court, provides trainings on ethics laws, conducts rule makings, and undertakes other statutory assignments—such as appointing members to the Citizen Redistricting Committee, which the Commission's employees currently assist in staffing under a reimbursement-based memorandum of understanding. In sum, the Commission current jurisdictional profile and statutory responsibilities greatly exceed the current capacity of its current five-FTE staff.

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<sup>17</sup> The Commission also has a Special Projects Coordinator II (exempt) on its organizational listing. During FY21, the Commission employed this position and had adequate appropriations to do so. Because of budget reductions for FY22, however, the Commission lacks sufficient appropriations to continue funding this position through FY22, absent a supplemental appropriation in the upcoming legislative session.

## METHODOLOGY

### SEPARATING RECOMMENDATIONS BY TYPE OF JURISDICTION

In preparation of this report, the Commission focused on two separate questions: First, whether to recommend that the Legislature expand the Commission's **subject-matter jurisdiction**, allowing the Commission to decide violations of additional statutes or constitutional provisions. Second, whether to recommend that the Legislature expand the Commission's **personal jurisdiction** to include additional classes of persons and, specifically, the officials and employees of New Mexico's counties and municipalities.

### METHODOLOGY RELATED TO SUBJECT-MATTER JURISDICTION

Regarding the first question about subject-matter jurisdiction, Commission staff surveyed the requests for advisory opinions that had been submitted to the Commission to ascertain the relevance of ethics laws beyond those laws that Section 10-16G-9(A) enumerates.<sup>18</sup> Under the State Ethics Commission Act, the Commission "may issue advisory opinions on matters related to ethics."<sup>19</sup> The Commission issues advisory opinions on all "matters related to ethics," even those concerning laws beyond the Commission's subject-matter jurisdiction.<sup>20</sup> As such, requests for Commission advisory opinions—and the Commission's opinions—offer a view into ethics issues that might extend beyond the statutes under the Commission's current jurisdiction. Similarly, Commission staff have also reviewed referrals from the Office of the State Auditor and the Office of the Attorney General, as well as reviewed the press reporting on relevant ethics issues arising under laws for which the Commission currently lacks subject-matter jurisdiction.

### METHODOLOGY RELATED TO PERSONAL JURISDICTION

Regarding the second question about personal jurisdiction, Commission staff conducted several lines of research. Commission staff (i) reviewed and compiled the Commission's current statutory responsibilities regarding local government officials and employees; (ii) surveyed local governments around New Mexico to understand if there are local ethics bodies in their jurisdictions and to solicit their views on expansion of the Commission's jurisdiction; (iii) interviewed the directors and senior staff of other state ethics commissions that have personal jurisdiction for both state and local officials and employees; and (iv) conducted a literature review on the costs of corruption and benefits of ethics bodies.

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<sup>18</sup> The State Ethics Commission's formal advisory opinions are available on [www.NMOneSource.com](http://www.NMOneSource.com), as published by the New Mexico Compilation Commission.

<sup>19</sup> See NMSA 1978, § 10-16G-8(A).

<sup>20</sup> See State Ethics Comm'n Adv. Op. 2021-08, at n.3 (Jun. 4, 2021); State Ethics Comm'n Adv. Op. 2021-02 (Feb. 5, 2021).

- **Review of Commission's current authority.** While the Commission, in its adjudicatory role, lacks personal jurisdiction over local government officials and employees, the Commission interacts with them in several ways under current law.
- **Survey of local governments in New Mexico.** Commission staff contacted all 33 counties and approximately 80 municipalities having a population greater than 1,000 to request information about local ethics ordinances and ethics review boards and to solicit their views about the Commission's jurisdiction. To this end, Commission staff deployed a survey addressed to the county and municipal managers and worked with New Mexico Counties and the New Mexico Municipal League to circulate the survey. (See Ex. 2). The survey asked basic questions about the existence of local ethics codes and ethics adjudicatory bodies, as well as inquiring about local views of the expansion of Commission jurisdiction. Commission staff also independently reviewed county and municipal information to gather information regarding local ethics ordinances and local ethics adjudicatory boards or committees. Commissioners and Commission staff also solicited the views of local government officials, at least one of whom (Javier Sánchez, the Mayor of Española) presented on this topic at the Commission's October 2, 2020 meeting.
- **Interviews with ethics commissions in other states.** In addition to gathering information from New Mexico's local government employees, Commission staff also considered ethics bodies in other states. Commission staff reviewed the jurisdictions of other state ethics commissions in other jurisdictions across the United States. Of those other-state commissions that have some jurisdiction for both state and local government officials and employees, Commission staff interviewed the executive staff of those other-state commissions, including state ethics commissions in Alabama, Arkansas, California, Florida, Georgia, Louisiana, Maryland, Massachusetts, Montana, Nevada, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, and West Virginia. Those interviews covered the jurisdictional profiles and budgets of other-state commissions, as well as how other commissions that have handled adjudications, enforcement, and training on applicable ethics laws for both state and local government officials and employees. In total, Commission staff interviewed the senior staff of 18 other state ethics commissions.

## FINDINGS

### **[1] THE COMMISSION'S CURRENT AUTHORITY WITH RESPECT TO LOCAL GOVERNMENT OFFICIALS AND EMPLOYEES**

While the Commission, in its adjudicatory role, lacks jurisdiction over the officials and employees of local governments, school districts, and special districts that are not “instrumentalities of the state,” the Commission currently interacts with those officials and employees in several ways, as provided by law.

1. The Commission currently has the discretionary authority to file civil actions in state court against local government officials and employees to enforce provisions of the Governmental Conduct Act, the Procurement Code, the Campaign Reporting Act (with respect to candidates for county elected office), and the Anti-Donation Clause.<sup>21</sup>
2. Subject to staff availability and resources, the Commission staff currently provides informal, letter advisory opinions to the officials and employees of local public bodies. See 1.8.1.9(B) NMAC.
3. The Commission currently offers trainings on New Mexico's ethics and disclosure laws, on request, to local public bodies and local government affiliates.<sup>22</sup>

In sum, with respect to local governments, and as staff time and agency resources permit, the Commission currently has (i) the discretionary power to prosecute civil enforcement actions, (ii) the responsibility to provide governmental conduct trainings, and (iii) the ability to offer advisory letters. At present, however, the Commission has only appropriated funds for 5 FTE and, thus, lacks the resources to sufficiently perform its current statutory functions vis-à-vis local governments, special districts, and school districts.

### **[2] ETHICS ORDINANCES AND ETHICS BODIES AT THE LOCAL LEVEL**

There is a wide range of ethics oversight structures among county and municipal governments. Some of the larger local governments in New Mexico have local ethics ordinances, complaint processes, and adjudicatory bodies like the State Ethics

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<sup>21</sup> See NMSA 1978, § 10-16G-9(F) (2019, as amended 2021) (“The commission may file a court action to enforce the civil compliance provisions of an act listed in Subsection A of this section.”); NMSA 1978, § 10-16-8(B) (1995, as amended 2019) (“The state ethics commission may institute a civil action in district court . . . if a violation has occurred or to prevent a violation of any provision of the Governmental Conduct Act.”); NMSA 1978, § 13-1-196 (1984, as amended 2019) (“[T]he state ethics commission is empowered to bring a civil action for the enforcement of any provision of the Procurement Code . . .”).

<sup>22</sup> Cf. NMSA 1978, § 10-16-13.1 (1993, as amended 2019) (“The state ethics commission shall advise and seek to educate all persons required to perform duties under the Governmental Conduct Act of those duties.”).

Commission.<sup>23</sup> In contrast to several of the larger local governments, however, smaller county and municipal governments have less articulated means of adjudicating and remedying breaches of governmental ethics. For example, many local governments rely exclusively on their human resources policies and disciplinary procedures for handling ethics issues relating to local government employees.<sup>24</sup> Approximately 36% of New Mexico's population resides in municipalities that have ethics oversight ordinances and structures, and approximately 48% of New Mexico's population resides in counties that have ethics oversight ordinances and structures. (See Ex. 2).

### **[3] LOCAL PERSPECTIVES ON THE EXPANSION OF THE COMMISSION'S JURISDICTION**

Commission staff contacted all 33 counties and approximately 80 municipalities having a population greater than 1,000 to request information about local ethics ordinances and ethics review boards and to solicit their views about the Commission's jurisdiction. To this end, Commission staff deployed a survey addressed to the county and municipal managers. As seen in Ex. 2., (Page) 15 counties and 30 municipalities responded to the Commission's survey. Support and opposition to expansion of the Commission's personal jurisdiction for local government officials and employees was evenly mixed. Seven counties and 16 Municipalities expressed a favorable opinion of jurisdictional expansion, while 7 counties and 13 municipalities expressed a negative opinion of jurisdictional expansion. In contrast to these mixed reactions, 38 out of 45 survey respondents (84% of survey respondents) expressed favorable views of receiving advisory opinions from the Commission. (Ex. 2). Please consult Exhibit 2 for a more detailed presentation of local perspectives on the expansion of the Commission's jurisdiction.

### **[4] PERSPECTIVES OF OTHER STATE ETHICS COMMISSIONS**

After conducting interviews with the directors and senior staff of other commissions that interact with both state and local officials and employees, a few dominant themes emerged:

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<sup>23</sup> See, e.g., Bernalillo County Code of Conduct Review Board, <https://www.berncogov/boards-commissions/code-of-conduct-review-board/> (last accessed Aug. 12, 2021); Roosevelt County Ethics Board, <https://www.rooseveltcounty.com/wp-content/uploads/2021/02/BoardofEthicsRulesAdoptedFiled.pdf> (last accessed Aug. 12, 2021); Sandoval County Ethics Board, <https://www.sandovalcountynm.gov/ethics-board/> (last accessed Aug. 12, 2021); Santa Fe County Ethics Board, [https://www.santafecountynm.gov/committees/county\\_ethics\\_board](https://www.santafecountynm.gov/committees/county_ethics_board) (last accessed Aug. 12, 2021); City of Albuquerque Board of Ethics, <https://www.cabq.gov/clerk/ethics-1/board-of-ethics> (last accessed Aug. 12, 2021); City of Santa Fe Ethics and Campaign Review Board, [https://www.santafenm.gov/ethics\\_and\\_campaign\\_review\\_board](https://www.santafenm.gov/ethics_and_campaign_review_board) (last accessed Aug. 12).

<sup>24</sup> See, e.g., Los Alamos County Ordinance 02-240 (Ex. 2); Eddy County (Ex. 2); San Juan County (Ex. 2); Luna County (Ex. 2); Chaves County (Ex. 2).

- Commissions with personal jurisdiction for both state and local officials and employees consistently estimated that local governments accounted for approximately 70% to 75% of their total volume of work, across administrative adjudications, advisory opinions and letters, and educational presentations.
- The directors of other-state commissions also consistently predicted that New Mexico's commission would require double to triple the annual budget that is appropriated for an agency that is fully staffed to handle only state officials and employees. Directors stressed the need for appropriations and staffing levels adequate to the high workload that accompanies local governments, both administrative case load and advisory letters. One acting director in Nevada pointed out that the overbearing workload had recently caused key staff to separate from their positions.
  - The experience of the Oklahoma Ethics Commission is particularly illustrative on the dangers of statutory mandates far exceeding budget appropriations. The Oklahoma Ethics Commission's responsibilities were expanded in 2014 to cover campaign finance and financial disclosure duties as they applied to Oklahoma county and municipal offices.<sup>25</sup> Within a few years, however, the Oklahoma Ethics Commission was severely underfunded as compared to its statutory responsibilities. The Oklahoma Ethics Commission filed a constitutional challenge in the Oklahoma Supreme Court to enforce a provision of the Oklahoma Constitution that provides the Commission "shall receive an annual appropriation by the Legislature sufficient to enable it to perform its duties as set forth in this Constitutional Amendment."<sup>26</sup> The Oklahoma Supreme Court denied the Oklahoma Ethics Commission's petition, and the Oklahoma Commission struggles to perform its constitutional and statutory mandates.<sup>27</sup>
- The directors and senior staff of other-state commissions also consistently opined that the service to local governments was important and worthwhile,

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<sup>25</sup> See Okla. Stat. Title 19, §§ 138.11-138.19 (eff. Jan. 1, 2015).

<sup>26</sup> Okla. Const. art. XXIX, § 2; see App. To Assume Original Juris. and Pet. for Decl. Relief and Writs of Mandamus and/or Prohibition, *State of Oklahoma ex rel. Oklahoma Ethics Comm'n v. Fallin, et al.*, No. 117149 (Okla. Jun. 26, 2018). See also "Oklahoma Ethics Commission files lawsuit against Gov. Mary Fallin, legislative leaders," TULSA WORLD (Jun. 26, 2018), [https://tulsaworld.com/news/capitol\\_report/oklahoma-ethics-commission-files-lawsuit-against-gov-mary-fallin-legislative/article\\_94ba2fc0-58dc-5189-9d1e-56c29fdbf648.html](https://tulsaworld.com/news/capitol_report/oklahoma-ethics-commission-files-lawsuit-against-gov-mary-fallin-legislative/article_94ba2fc0-58dc-5189-9d1e-56c29fdbf648.html)

<sup>27</sup> Order, *State of Oklahoma ex rel. Oklahoma Ethics Comm'n v. Fallin, et al.*, No. 117149 (Okla. Sept. 24, 2018); see also "Oklahoma Supreme Court rules against Ethics Commission in funding battle against Legislature," TULSA WORLD (Sept. 26, 2018), [https://tulsaworld.com/news/state-and-regional/oklahoma-supreme-court-rules-against-ethics-commission-in-funding-battle-against-legislature/article\\_1a233119-ba62-5d0d-82e1-95b5a616d4b8.html](https://tulsaworld.com/news/state-and-regional/oklahoma-supreme-court-rules-against-ethics-commission-in-funding-battle-against-legislature/article_1a233119-ba62-5d0d-82e1-95b5a616d4b8.html)



particularly where local governments were less likely to have ready access to legal counsel on the application of governmental ethics and procurement laws. One director said he believed that, among government entities, local political subdivisions had the greatest effect on the lives of average residents.

## **[5] FINDINGS RELATED TO THE COMMISSION'S SUBJECT MATTER JURISDICTION**

Ethics commissions across the states focus on laws regarding the conduct of public officials, public employees, candidates and lobbyists with respect to confidential information, conflict of interest, revolving door, financial disclosure, gifts, improper compensation, misuse of public office, nepotism, and public contracts and procurement.<sup>28</sup> While New Mexico's State Ethics Commission has a personal jurisdictional profile that, currently, is not as expansive as other state commissions that have jurisdiction for both state and local officials and employees, New Mexico's commission has a broader subject-matter jurisdiction than most other state ethics commissions. New Mexico's commission oversees all the main subject matters that ethics commissions generally handle—and more. No other director reported that their commission had jurisdiction to adjudicate violations of their state's procurement laws or constitutional anti-donation provisions, much less laws regulating the conduct of notaries public and unauthorized notarial acts.<sup>29</sup>

While the Commission's subject matter jurisdiction broadly covers New Mexico's ethics laws, it is not exhaustive. There remain several other central and peripheral ethics laws for which the Commission currently does not have jurisdiction. The most central of these are the constitutional provisions that control (i) legislative interests in civil offices and contracts and (ii) forms of extra compensation and emoluments. The Commission also currently lacks jurisdiction for more peripheral ethics statutes, including New Mexico statutes prohibiting nepotism;<sup>30</sup> and statutes prohibiting certain financial interest and contracts by members of boards of regents and employees of state educational institutions.<sup>31</sup> While the Commission does not have subject matter jurisdiction for these laws, the Commission interacts with them in other ways. For example, the Commission has issued advisory opinions interpreting Article IV, Section 28 of the New Mexico Constitution.<sup>32</sup> The Commission's staff has also provided trainings to members of boards of regents of state educational institutions,

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<sup>28</sup> See Council on Government Ethics Laws Blue Book, 2020 Ethics Update (prepared for 42<sup>nd</sup> Annual Conference: Dec. 1-15, 2020), *available at* [https://cdn.ymaws.com/www.cogel.org/resource/resmgr/cogel\\_blue\\_books/cogel\\_2020\\_ethics\\_blue\\_book.pdf](https://cdn.ymaws.com/www.cogel.org/resource/resmgr/cogel_blue_books/cogel_2020_ethics_blue_book.pdf)

<sup>29</sup> NMSA 1978, §§ 14-14A-1 to 14-14A-32 (2021)

<sup>30</sup> NMSA 1978, §§ 10-1-10 to 10-1-11 (1925).

<sup>31</sup> NMSA 1978, § 21-1-17 (1889, as amended 2009); NMSA 1978, § 21-1-35 (1923, as amended 1999)

<sup>32</sup> See State Ethics Comm'n Adv. Op. 2021-09 (Jun. 4, 2021); State Ethics Comm'n Adv. Op. 2021-08 (Jun. 4, 2021); State Ethics Comm'n Adv. Op. 2021-02 (Feb. 5, 2021).

apprising them of the applicable prohibitions surrounding financial interests and contracts.<sup>33</sup>

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<sup>33</sup> For example, on March 23, 2021, the Commission's senior staff presented on "Ethics Law for University Regents" to the Board of Regents of Eastern New Mexico University.

## RECOMMENDATIONS

### RECOMMENDATIONS REGARDING EXPANSION OF THE COMMISSION'S SUBJECT-MATTER JURISDICTION

The Commission recommends the Legislature expand the Commission's subject-matter jurisdiction to include those provisions of the New Mexico Constitution regarding (i) legislative interests in civil offices and contracts; and (ii) extra compensation.

#### 1. Article IV, Section 28 of the New Mexico Constitution

The Constitution prohibits members of the Legislature from being appointed to certain civil offices and having interests in certain contracts. Article IV, Section 28 provides:

No member of the legislature shall, during the term for which he was elected, be appointed to any civil office in the state, nor shall he within one year thereafter be appointed to any civil office created, or the emoluments of which were increased during such term; nor shall any member of the legislature during the term for which he was elected nor within one year thereafter, be interested directly or indirectly in any contract with the state or any municipality thereof, which was authorized by any law passed during such term.<sup>34</sup>

This prohibition on interests in contracts and appointments to certain civil offices protects a bedrock principle of government ethics—namely, that legislators should use the powers of their offices “only to advance the public interest and not to obtain personal benefits and not to obtain personal benefits or pursue private interests.”<sup>35</sup> As such, the prohibition in Article IV, Section 28 falls squarely within the Commission's mission. Unsurprisingly then, the Commission has already issued three formal advisory opinions advising how Article IV, Section 28 applies in various circumstances.<sup>36</sup> Because the Commission repeatedly has been asked to interpret Article IV, Section 28, and because the constitutional provision is so squarely within the Commission's ambit, the Commission recommends its subject-matter jurisdiction be expanded to include the constitutional provision.

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<sup>34</sup> N.M. Const., art. IV, § 28.

<sup>35</sup> See NMSA 1978, § 10-16-3(A).

<sup>36</sup> See State Ethics Comm'n Adv. Op. 2021-09 (Jun. 4, 2021); State Ethics Comm'n Adv. Op. 2021-08 (Jun. 4, 2021); State Ethics Comm'n Adv. Op. 2021-02 (Feb. 5, 2021).

## **2. The Extra-Compensation Clauses of the New Mexico Constitution**

The New Mexico constitution contains three separate prohibitions on extra compensation to officers and employees of the state.<sup>37</sup> First, Article IV, Section 27 provides “No law shall be enacted giving any extra compensation to any public officer, servant, agent or contractor after services are rendered or contract made; nor shall the compensation of any officer be increased or diminished during his term of office, except as otherwise provided in this constitution.” Second, Article V, Section 12, in pertinent part provides “The compensation herein fixed [for certain executive officers] shall be full payment for all services rendered by said officers and they shall receive no other fees or compensation whatsoever.” Third, Article XX, Section 9 provides “No officer of the state who receives a salary, shall accept or receive to his own use any compensation, fees, allowance or emoluments for or on account of his office, in any form whatever, except the salary provided by law.”

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<sup>37</sup> See N.M. Const., art. IV, § 27; art. V, § 12; and art. XX, § 9.

## RECOMMENDATIONS REGARDING THE COMMISSION'S PERSONAL JURISDICTION

### Expansion of jurisdiction for entity respondents

The Commission recommends that its personal jurisdiction for administrative complaints be extended to include “public agencies” as the State Ethics Commission Act defines that term.<sup>38</sup> Currently, the Commission has jurisdiction for the officials and employees of public agencies, but not for the entities themselves. The Commission routinely dismisses entity respondents in its administrative proceedings, sometimes to the detriment of the state’s ethics laws.

Lack of jurisdiction for the entity respondents hampers the Commission’s ability to vindicate New Mexico’s ethics laws, including the Governmental Conduct Act, the Procurement Code, and the Anti-Donation Clause because the Commission cannot issue injunctive remedies that should apply to the entire entity, and not just the individual respondents. For example, the Governmental Conduct Act prohibits a state agency from “enter[ing] into a contract with, or tak[ing] any action favorably affecting, any person or business that is represented personally in the matter by a person who has been a public officer or employee of the state within the preceding year if the value of the contract or action is in excess of one thousand dollars (\$1,000) and the contract is a direct result of an official act by the public officer or employee.”<sup>39</sup> If the Commission finds that a former public official or employee is representing a business with respect to a contract that the former official or employee approved, the Commission under current law cannot order the state agency to refrain from contracting or taking favorable action towards the represented person or business. Likewise, if the Commission finds that a transaction violates the Procurement Code or the Anti-Donation Clause for an individual respondent to make a certain transaction of public funds, then no other official or employee at the agency should be able to approve the transaction. The Commission should have the ability to render an administrative decision and remedy that results in enforcement of these important laws.

### Recommendations concerning local governments

The Commission does not recommend an expansion of the Commission’s personal jurisdiction at this early juncture in the Commission’s operations. While such expansion to include the officials and employees of county governments, municipal governments, special districts, or school districts might make sense at a future date, the Commission recommends against an expansion of the Commission’s personal jurisdiction for administrative complaints in the 2022 legislative session. The Commission makes this recommendation for the following reasons:

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<sup>38</sup> See § 10-16G-2(J).

<sup>39</sup> See NMSA 1978, § 10-16-8(A)(1) (2011).

- 1.** The Commission is significantly understaffed to handle a wider range of personal jurisdiction in the Commission's quasi-judicial capacity. At the time of this report, the Commission has only five staff members. Conversations with the leadership of other state ethics commissions that have jurisdiction for both state and local government officials and employees suggest that the Commission would need between double and triple its annual budget appropriation for FY21 to handle the increased workload that comes with jurisdiction for local public officials and employees. (See Ex. 1). At a future date, and only after the Commission has received budget commensurate with its current responsibilities, the Commission might be in a better position to recommend such a large expansion. To invite expanded jurisdiction with the Commission's current and limited staff is not sound.
- 2.** The Commission can more efficiently vindicate the Governmental Conduct Act, the Procurement Code, the Campaign Reporting Act, and the Anti-Donation Clause as applied to the officials and employees of local and district governments through civil enforcement actions than through adjudications of administrative complaints. There are several reasons why Commission-initiated civil enforcement is a more efficient means of vindicating the ethics laws than administrative adjudications:
  - a.** First, the Commission's investigatory and adjudicatory processes for administrative complaints do not incentivize prompt investigations or settlements. The penalties for violations of the ethics laws are likely too slight to motivate either deterrence or settlement.<sup>40</sup> Moreover, the State Ethics Commission Act provides representation, funded by the state, for any respondents to an administrative complaint.<sup>41</sup> For a respondent with free legal counsel and the prospect of, at worst, a \$250 fine, there is very little reason to settle. Rather, the incentives are the opposite. The respondents' counsel, paid hourly on contracts with the Risk Management Division, have incentives to litigate every issue. These incentives create litigation and prevent the Commission from swiftly investigating and adjudicating administrative complaints.
  - b.** Second, complainants often file ethics complaints that are outside of the Commission's jurisdiction or obviously do not state a claim under a law for which the Commission has subject matter jurisdiction. Such complaints are a drag on Commission resources. Expansion of

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<sup>40</sup> See, e.g., NMSA 1978, § 10-16-18(B) (authorizing a \$250 civil fine for a violation of the Governmental Conduct Act).

<sup>41</sup> See § 10-16G-10(K).



jurisdiction for local government officials is likely to invite additional complaints that lack merit (assuming that they are even within the Commission's jurisdiction) and are motivated for political and media-coverage reasons. This drag on Commission resources is unnecessary to vindicate New Mexico's ethics laws, where the Commission currently has the authority to file civil enforcement actions to remedy violations of those laws.

- c.** Third, expansion of the Commission's jurisdiction for administrative complaints to include the officials and employees of local governments will create a jurisdictional quagmire for those local governments that already have ethics adjudicatory boards that investigate and enforce local ethics ordinances. Ideally, complainants would decide whether to file a complaint in their local ethics board, alleging a violation of a local ordinance or in the State Ethics Commission, alleging a violation of New Mexico statutory law. Likely, however, complainants will submit complaints to the State Ethics Commission alleging violations of local ordinances. This jurisdictional confusion will also create a drag on Commission resources—which, again, is unnecessary to vindicate the ethics laws as they apply to locals, given the Commission's authority to file civil enforcement actions.

Instead of an expansion of its personal jurisdiction to include the officials or employees of local governments, special districts or school districts, the Commission recommends two policy changes:

- 1.** First, the Commission recommends that the Commission be able to receive requests for advisory opinions from the officials or employees of local governments, special districts and school districts and to issue advisory opinions in response to those requests. Currently, the Commission is not authorized to receive a request for an advisory opinion from an official or employee at the local government level.<sup>42</sup> If the Commission were able to render advice to the officials and employees of local governments, the Commission could provide a needed service, particularly in counties and municipalities that might lack in-house counsel. This recommendation is also supported by the counties and municipalities that responded to the Commission's survey. In fact, 38 out of 45 survey respondents (84% of survey respondents) expressed favorable views of receiving advisory opinions from

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<sup>42</sup> See NMSA 1978, § 10-16G-8 (2019),

the Commission. This included instances where respondents were opposed to jurisdictional expansion. (See Ex. 2).

- 2.** Second, the Commission recommends that the Legislature require the county and municipal governments to appoint the clerk or manager as the local government's "chief ethics officer," who shall have the ability to request advisory opinions and shall also have a bi-annual reporting requirement to the Commission for any ethics issues that arise related to the Governmental Conduct Act, the Procurement Code, the Anti-Donation Clause, and the Campaign Reporting Act (as it applies to county elected officials). These reports would inform the Commission of ethics issues at the local level. The chief ethics officer could also liaison with the Commission to receive trainings related to the state's ethics laws as they apply to local governments.

## EXHIBIT 1



### **STATE ETHICS COMMISSION**

Report on Jurisdiction

HIGHLIGHTS OF INTERVIEWS WITH OTHER STATE  
ETHICS COMMISSIONS REGARDING  
JURISDICTION FOR LOCAL GOVERNMENTS

## DESCRIPTION

Throughout 2021, the New Mexico State Ethics Commission staff conducted interviews with the executive directors of other state ethics commissions with jurisdiction for both state and local government. The Commission sought to understand the responsibilities and resources required for an ethics oversight body to maintain administrative jurisdiction or any level of support for both state and local government bodies concurrently. The staff interviewed the following ethics commissions:

- |                  |                    |
|------------------|--------------------|
| 1. Alabama       | 10. Nevada         |
| 2. Arkansas      | 11. Oklahoma       |
| 3. California    | 12. Oregon         |
| 4. Florida       | 13. Pennsylvania   |
| 5. Georgia       | 14. Rhode Island   |
| 6. Louisiana     | 15. South Carolina |
| 7. Maryland      | 16. Texas          |
| 8. Massachusetts | 17. Virginia       |
| 9. Montana       | 18. West Virginia  |

In each interview, Commission staff requested information on the interviewee commission's jurisdictional profile, agency structure, staffing, resources, and workload. Additionally, the Commission staff sought insight on the process of expanding jurisdiction.

## KEY OBSERVATIONS

- The average local-level workload across ethics commissions is approximately three times (3X) greater than their respective workloads for state-level issues and support.
- For five ethics commissions interviewed, the commission's local portfolio was 8X to 9X greater than their workload for the state.
- Across all segments of work: administrative cases, advisory opinions, and trainings, the local workload was between 2X – 3X higher than the state.
- The average number of staff across commissions with both state and local jurisdiction is 19 employees.
- The median number of staff across commissions with both state and local jurisdiction is 13 employees.
- The average budget for FY20 across ethics commissions with state and local jurisdiction was \$2,714,102

## DISTRIBUTION OF STATE & LOCAL WORK ACROSS STATE ETHICS COMMISSIONS:

STATE	STATE WORKLOAD	LOCAL WORKLOAD
Alabama	15%	85%
Arkansas	23%	72%
California	45%	55%
Florida	25%	75%
Georgia	28%	72%
Louisiana	25%	75%
Massachusetts	10%	90%
Montana	10%	90%
Nevada	30%	70%
Oklahoma	50%	50%
Oregon	14%	86%
Pennsylvania	14%	86%
Rhode Island	30%	70%
South Carolina	25%	75%
Texas	36%	64%
Virginia	40%	60%
West Virginia	25%	75%
<b>AVERAGE:</b>	<b>26%</b>	<b>74%</b>

## EXAMPLES OF LOCAL ETHICS OVERSIGHT AND SUPPORT

### Alabama Ethics Commission

In 2019, the Alabama Commission received over 500 complaints, provided just under 1000 advisory opinions, and conducted 68 trainings. According to their Executive Director, 85% of complaints and advisory opinions pertain to the local level, and over 90% of trainings are provided to local government bodies.

### Virginia Conflict of Interest and Ethics Advisory Council

In 2019, the Virginia Ethics body handled approximately 2,800 phone calls and 6,600 emails related to providing ethics support. In 2020, they handled 1650 phone calls and 7,200 emails. According to their Executive Director, over 60% of those requests for advice originated from local government bodies.

### West Virginia Ethics Commission

In 2020, the West Virginia commission received 125 complaints. Of the complaints received, 95 related to local public officials (76%).

### Massachusetts State Ethics Commission

In 2019, the Massachusetts commission received 815 complaints of which 87% related to local officials. In 2020, the Massachusetts commission received 5,714 requests for advice, 90% of which originated from local officials. In 2020, they provided approximately 70 trainings, of which 80% were to local government bodies.

## GUIDANCE FROM OTHER STATE ETHICS COMMISSIONS' DIRECTORS

1

Expanding administrative jurisdiction to include locals will require a significant increase in staff by approximately 2X to 3X. Expansion is not advisable without adequate staffing.

2

Expanding administrative jurisdiction to include locals will require a budget increase of between 3X and 4X at the same time or before the SEC receives local jurisdiction. Expansion is not advisable without adequate funding.

3

Communicating with locals about the nature of expanded jurisdiction and support is important for effective enforcement, particularly for clarifying the parameters of the oversight and support and building trust.

## PERSPECTIVES FROM OTHER STATE ETHICS COMMISSION DIRECTORS

All state ethics commissions interviewed maintained a positive perspective of their respective commissions providing ethics oversight and support to local government bodies. The primary reasons cited are as follows:

1. Centralized ethics oversight results in more uniform and effective administration of the state's ethics laws.
2. Local governments often need independent outside oversight which is insulated or removed from local politics.
3. Centralized oversight provided by the state is more cost effective for many local governments which may not have the budget for ethics oversight.

## CONSIDERATIONS

Of the other state commissions interviewed, the majority stated that public officials are not provided state-funded counsel to defend against allegations of ethics violations, as such allegations are necessarily outside the scope of the official duties of public officials and employees. Of the commissions interviewed, no other commission leadership noted that their respective state provided state-funded outside counsel to respondents in commission administrative proceedings. New Mexico's practice of providing state-funded risk management counsel to respondents in Commission administrative proceedings stands in marked contrast to the practice nationwide. The associated costs should be considered before the Legislature enacts any expansion of the Commission's personal jurisdiction to include local government officials and employees.



## EXHIBIT 2



### **STATE ETHICS COMMISSION**

Report on Jurisdiction

HIGHLIGHTS OF SURVEY RESPONSES FROM NEW MEXICO  
COUNTIES AND MUNICIPALITIES

## ANALYSIS OF SURVEY RESPONSES OF COUNTIES THAT RESPONDED TO SURVEY:

1. Valencia County
2. De Baca County
3. Eddy County
4. County of Lincoln
5. Guadalupe County
6. San Juan County
7. Sandoval County
8. Hidalgo County
9. Roosevelt County
10. Harding County
11. Mora County
12. City of Hobbs
13. Chaves County, New Mexico
14. Luna County
15. Incorporated County of Los Alamos

**45% of NM counties responded.**

## MUNICIPALITIES THAT RESPONDED TO SURVEY:

1. Village of Cimarron
2. Village of Taos Ski Valley
3. City of Rio Rancho
4. City of Moriarty
5. City of Belen
6. City of Elephant Butte
7. City of Gallup
8. Village of San Ysidro
9. Artesia City Council
10. Village of Los Lunas
11. Village of Bosque Farms
12. Village of Corrales
13. City of Lordsburg
14. Town of Taos Town Council
15. Village of Milan
16. The City of Raton
17. City of Anthony
18. City of Eunice
19. Village of Tularosa
20. Village of Hatch
21. Village of Logan
22. Village of Williamsburg
23. City of Hobbs
24. City of Texico
25. Town of Mountainair
26. Town of Dexter
27. City of Roswell
28. City of Clovis
29. City of Albuquerque

**8% of NM municipalities responded.**

## COUNTIES WITH AN ETHICS BODY:

1. Bernalillo County
2. Santa Fe County
3. Sandoval County
4. Roosevelt County
5. Incorporated County of Los Alamos

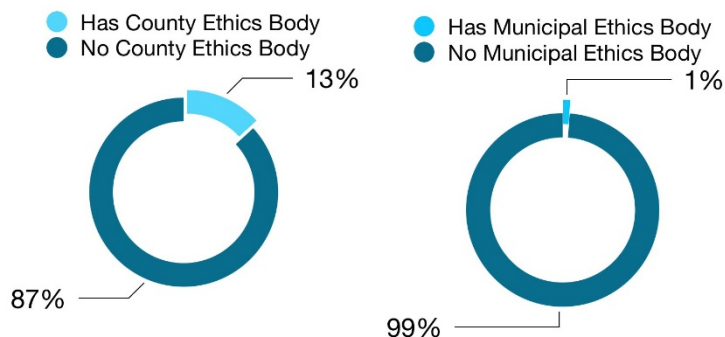
**12 of the counties that responded do not have an ethics body.**

## MUNICIPALITIES WITH AN ETHICS BODY:

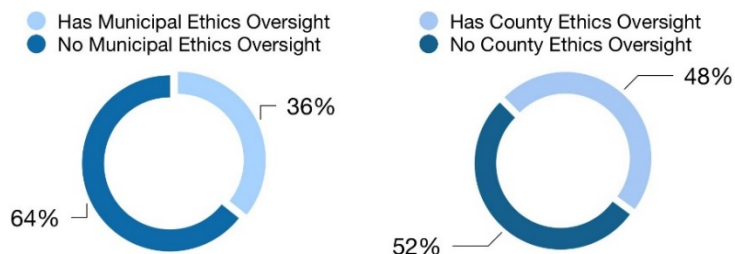
1. Albuquerque
2. Santa Fe
3. City of Rio Rancho
4. Village of Taos Ski Valley

**26 of the municipalities that responded do not have an ethics body.**

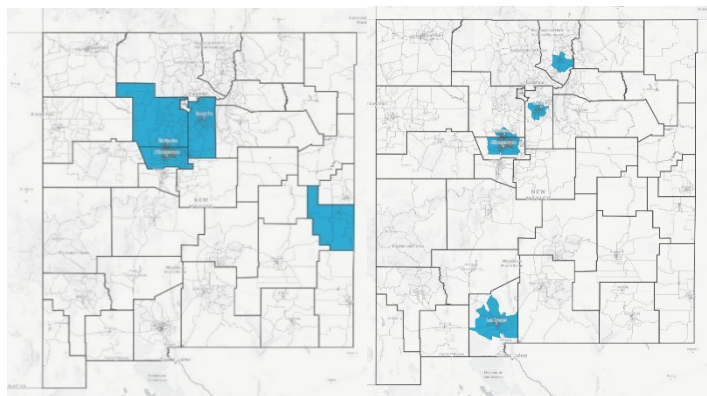
## ETHICS COVERAGE ACROSS NM COUNTIES AND MUNICIPALITIES (BY ENTITY)



## ETHICS COVERAGE ACROSS NM COUNTIES AND MUNICIPALITIES (BY STATE POPULATION)

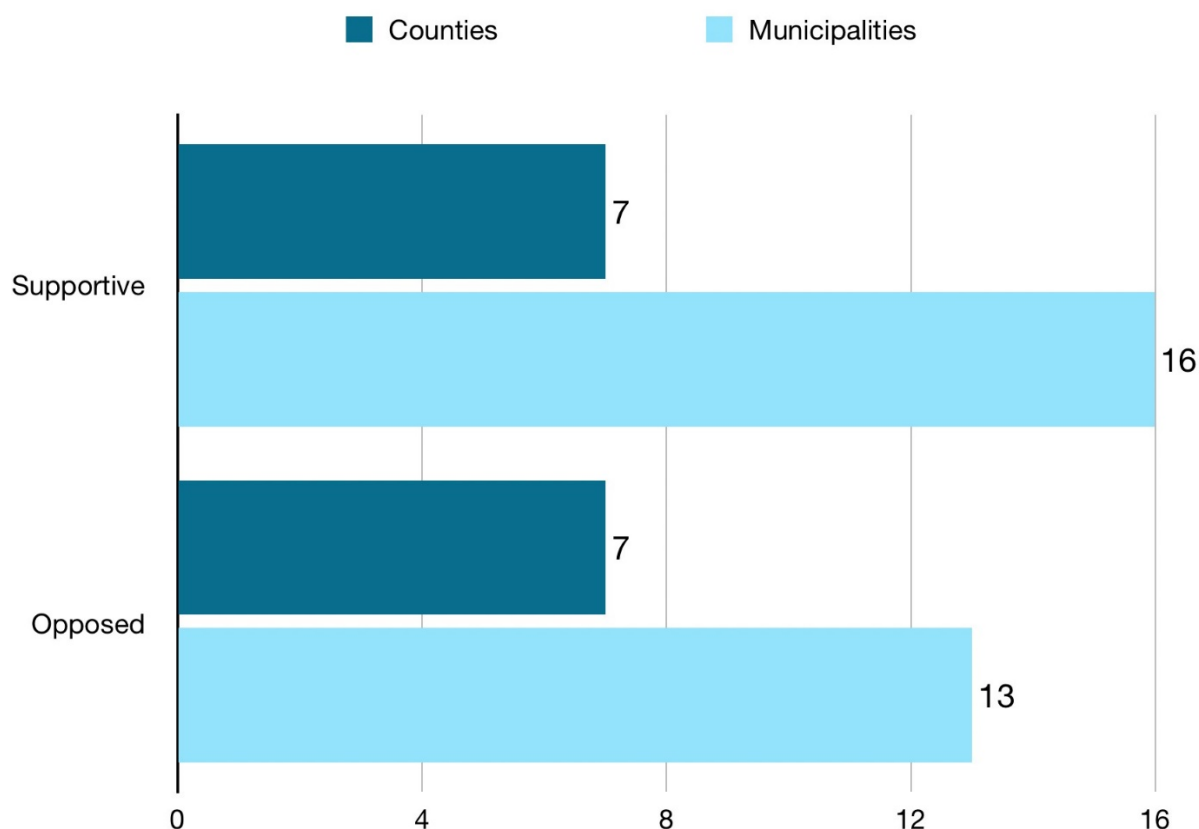


## ETHICS COVERAGE ACROSS NM COUNTIES & MUNICIPALITIES (BY GEOGRAPHY)



## COUNTIES AND MUNICIPALITIES ON ETHICS COMMISSION JURISDICTION EXPANSION

*\*Includes only survey respondents\**



### COUNTIES AND MUNICIPALITIES SUPPORTIVE OF JURISDICTIONAL EXPANSION:

- **7** Counties and **16** Municipalities expressed a favorable opinion of jurisdictional expansion.
- Of the local government bodies that replied to the Commission's survey, **8** expressed favorable opinions of jurisdiction expansion but stipulated that it would be best if it were applied in some tailored manner, e.g., only applying to elected officials and not public employees or including laws other than the procurement code.
- At least **2** survey respondents mentioned that jurisdiction expansion would be a benefit to local public bodies that don't have the resources to facilitate internal ethics oversight.
- **16** survey respondents indicated that ethics oversight might ultimately decrease costs incurred by their local government or acknowledged the potential for increased costs of ethics oversight and maintained a favorable opinion of jurisdiction expansion.

### COUNTIES AND MUNICIPALITIES OPPOSED TO JURISDICTIONAL EXPANSION:

- **7** Counties and **13** Municipalities expressed a negative opinion of jurisdictional expansion.
- **28** survey respondents mentioned the potential for increased costs of ethics oversight.

- **11** survey respondents cited concerns that a state body would not understand the issues at the local level.
- **5** survey respondents with some form of ethics oversight cited concerns that jurisdictional expansion would be redundant relative to existing ordinances or modalities of addressing ethics violations.
- **16** survey respondents with no formal local ethics oversight body indicated a negative view of SEC jurisdiction expansion.

### **Number of Counties and Municipalities Supportive of Receiving Advisory Opinions from the Commission**

- 3. 38** out of **45** survey respondents (**84%** of survey respondents) expressed favorable views of receiving advisory opinions from the Commission. This included instances where respondents were opposed to jurisdictional expansion.

## APPENDIX

<b>HIGHLIGHTS OF INTERVIEWS WITH OTHER COMMISSIONS:</b>	Pages 23 - 26 of Report
<b>ANALYSIS OF SURVEY RESPONSES:</b>	Pages 27 - 30 of Report
<b>SURVEY RESPONSES:</b>	Pages 1 - 175 of Appendix

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<b>COUNTIES</b>	<b>PAGE</b>		
		Corrales	84
Chaves County	1	Dexter	88
De Baca County	5	Elephant Butte	92
Eddy County	9	Eunice	96
Guadalupe County	13	Gallup	100
Harding County	17	Hatch	104
Hidalgo County	21	Hobbs	108
Lincoln County	25	Logan	112
Los Alamos Incorporated County	29	Lordsburg	116
Luna County	33	Los Lunas	120
Mora County	37	Milan	124
Roosevelt County	41	Moriarty	128
San Juan County	45	Mountainair	132
Sandoval County	49	Raton	136
Valencia County	53	Rio Rancho	141
		Roswell	145
<b>MUNICIPALITIES</b>		San Ysidro	149
Albuquerque	57	Taos (Town)	153
Anthony	60	Taos Ski Valley (Village)	159
Artesia	64	Texico	163
Belen	68	Tularosa	167
Bosque Farms	72	Williamsburg	171
Cimarron	76		
Clovis	80		





## APPENDIX

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

In 2021, the State Ethics Commission must provide the Legislature and the Governor a report on whether the Commission's jurisdiction should be enlarged to include jurisdiction for complaints concerning the officials and employees of local public bodies. The State Ethics Commission therefore seeks the input of New Mexico's county and municipal governments. Your responses to this survey will inform the Commission's report to the Legislature and the Governor regarding expansion of the Commission's jurisdiction to include local public bodies.

If you have any questions when completing this survey, please call 505-362-9617. For more information about the Commission, please visit [www.sec.state.nm.us](http://www.sec.state.nm.us)

Email \*

bill.williams@chavescounty.gov

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Chaves County, New Mexico

Number of Employees (full and part-time)

253.5

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

Human Resources, County Attorney and County Manager

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

Complaints are given to Human Resources and County Attorney for investigation, findings and legal recommendation is made to the County Manager.

If your local government has an ethics body, does it provide advisory opinions or trainings?

N/A

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

See above

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes, State Statute, personnel policy and annual conflict disclosure

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Fortunately, I don't know, I presume that our internal policies and the State Statutes are why we are not having allegations of impropriety.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

If you will charge us for the service; then an increase in costs is expected. I do not expect that we will increase costs because of any wrongdoing by our officials though.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

I believe that it is paramount that any wrongdoing be exposed and corrected.

Additional Comments or Perspectives

Thanks for asking

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

amandal4@plateautel.net

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

De Baca County

Number of Employees (full and part-time)

44

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Internal Investigation or External Investigation

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

County Personnel Policy

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Fair

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Possible decrease



Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

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Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

In 2021, the State Ethics Commission must provide the Legislature and the Governor a report on whether the Commission's jurisdiction should be enlarged to include jurisdiction for complaints concerning the officials and employees of local public bodies. The State Ethics Commission therefore seeks the input of New Mexico's county and municipal governments. Your responses to this survey will inform the Commission's report to the Legislature and the Governor regarding expansion of the Commission's jurisdiction to include local public bodies.

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Email \*

ardavis@co.eddy.nm.us

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Eddy County

Number of Employees (full and part-time)

350

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors? Please explain.

Not a specific board - for County employees, we rely on our County Employee policy manual for addressing issues internally utilizing Supervisors and Leadership members. For Elected Officials, we don't have a program or governing policy other than what ever measures may be available for removal from office.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

N/A

If your local government has an ethics body, does it provide advisory opinions or trainings?

N/A

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

We rely on our County Employee policy manual for addressing issues internally utilizing Supervisors and Leadership members. For Elected Officials, we don't have a program or governing policy other than what ever measures may be available for removal from office.

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

The County has a Conflict of Interest Policy - however, for elected officials, there isn't the same recourse for action as there is for employees.

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

If we have questions, we work through NMC to seek counsel and advice at this time.

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Uncertain - I think from a County constituents perspective, the answer would be no as the appearance would be an expansion of government and an increase in government oversights.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

It would almost certainly increase the cost - someone would have to pay for an increase in agency oversight and then I would expect an increase in cost to pay for frivolous or unnecessary claims and suits. We have more of those than we want, driven by attorneys, related to detention and law enforcement - people looking for something other than their own accountability.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

N/A

Additional Comments or Perspectives

N/A

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

In 2021, the State Ethics Commission must provide the Legislature and the Governor a report on whether the Commission's jurisdiction should be enlarged to include jurisdiction for complaints concerning the officials and employees of local public bodies. The State Ethics Commission therefore seeks the input of New Mexico's county and municipal governments. Your responses to this survey will inform the Commission's report to the Legislature and the Governor regarding expansion of the Commission's jurisdiction to include local public bodies.

If you have any questions when completing this survey, please call 505-362-9617. For more information about the Commission, please visit [www.sec.state.nm.us](http://www.sec.state.nm.us)

Email \*

rfernandez@guadco.us

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Guadalupe County

Number of Employees (full and part-time)

52

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

HR and County Manager

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

I would rate the effectiveness at a very low standard. We need to update and train

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

I am not sure at this time. I would hope that it would decrease overall costs



Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

no

Additional Comments or Perspectives

na

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

jennifer.baca@hardingcounty.org

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Harding County

Number of Employees (full and part-time)

27

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

NO

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

the Personnel Policy, which is an ordinance

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

It services as a guide, but has no real authority for Elected officials

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

YES

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

yes, it would achieve a higher authority, to gain strength in policies, already in place.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Not having a current cost associated with this, it is unknown.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

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Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

tisha.green@hidalgocounty.org

## Information About Your Local Government Body

Type of Local Government Body \*

☒ County

☐ Municipality

Local Government Body Name

Hidalgo County

Number of Employees (full and part-time)

86

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

County Manager/legal staff/outside investigator

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

n/a

If your local government has an ethics body, does it provide advisory opinions or trainings?

n/a

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

County Manager/legal staff/outside investigator

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Personnel Policy/state statute

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Ethics are impressed upon heavily.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

yes. It would be a neutral party that would definitely make a big difference.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

It could decrease our overall costs as opposed to paying hourly to investigators or attorneys.



Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

no

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

ipearson@lincolncountynm.gov

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

County of Lincoln

Number of Employees (full and part-time)

115

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

NO

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

N/A

If your local government has an ethics body, does it provide advisory opinions or trainings?

N/A

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Consult with Legal / DA / State Police

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes - Personnel Ordinance

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Works great

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Advisory opinions only

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

NO - Each County should handle itself

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Increase - More people involved causes cost to rise

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

Counties have plenty of avenues to deal with ethics violations without state involvement

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

harry.burgess@lacnm.us

## Information About Your Local Government Body

Type of Local Government Body \*

☒ County

☐ Municipality

Local Government Body Name

Incorporated County of Los Alamos

Number of Employees (full and part-time)

750

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

Yes, the county adopted an ordinance adopting its own code of conduct and reporting/investigation procedures which applies to employees, elected officials, and our volunteer boards/commissions.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

Los Alamos County Ordinance 02-240. HR is recipient of complaints, determines appropriate investigative means (HR/Attorney/third party investigator), and reports findings to appropriate body dependent upon nature of complaint (to Council, County Manager, or department head)

If your local government has an ethics body, does it provide advisory opinions or trainings?

No

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Per the ordinance and procedures outlined above

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Effective, relatively few uses of process to date but has included investigations of both elected officials and employees due to both internal and external complaints

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

I don't believe so, based on a 2011 citizen-led review of our charter, they recommended an in-house process

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

No, I doubt that a state body can effectively/efficiently adjudicate local personnel issues.



Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Increase, we would still retain an obligation to investigate/respond to complaints so the inclusion of a state process would only add to the current efforts

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

We operate under a home rule/charter provisions that our citizens appreciate. These same citizens proactively discussed this issue and recommended potential changes to our charter 10 years ago and the elected body subsequently acted on their recommendations so the local perspective would likely question the appropriateness of state intervention into local matters. I question how an outside body can have the authority over our local personnel, especially given our home rule powers that we have successfully defended in past similar efforts to expand state authority over our local decision powers.

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

chris\_brice@lunacountynm.us

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Luna County

Number of Employees (full and part-time)

276

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No, only HR

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

N/A

If your local government has an ethics body, does it provide advisory opinions or trainings?

N/A

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

HR Investigates or outside investigator

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes, they mirror the Governmental Conduct Act

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

It works well with employees who we have control over with respect to policy. Not so much for elected officials

### Jurisdiction Expansion

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Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

For elected officials only. Employees are handled through HR and internally. Contractors are through the Attorney General.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Increase because we would have to respond and present to the board

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

I think it would work well for elected officials who really don't answer ot the County Manager. Employees and contractors are more easily handled locally or with the DA or AG

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

jansley@countyofmora.com

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Mora County

Number of Employees (full and part-time)

53

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

It needs to be modified. We use the County Personnel Policy manual as well as the Government conduct act.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes



Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Expand, because the County would have to defend the complaints that arise

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

No

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

ahamilton@rooseveltcountry.com

## Information About Your Local Government Body

Type of Local Government Body \*

☒ County

☐ Municipality

Local Government Body Name

Roosevelt County

Number of Employees (full and part-time)

Approximately 85

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors? Please explain.

Yes, Roosevelt County has an Ethics Ordinance and an appointed Ethics Board.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

<https://www.rooseveltcounty.com/wp-content/uploads/2021/02/BoardofEthicsRulesAdoptedFiled.pdf>

If your local government has an ethics body, does it provide advisory opinions or trainings?

Yes, training is provided.

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

<https://www.rooseveltcounty.com/wp-content/uploads/2021/01/2021-01EthicsOrdinance.pdf>

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

This was initially adopted in 2018 and has been revised in 2019 and 2021. It has been a strong addition to the governing laws and policies of the County.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

No

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Roosevelt County does not require such support. However, other counties might be interested in such services.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Increase, as this seems to be the constant with any such type of state level involvement.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

I will always remain a strong proponent of local jurisdiction. Our County has taken the initiative to develop and adopt an ordinance, establish an ethics board, which in turn adopted rules and procedures. Thus, we do not require such services as I believe local jurisdiction is vital and necessary.

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

mstark@sjcounty.net

## Information About Your Local Government Body

Type of Local Government Body \*

☒ County

☐ Municipality

Local Government Body Name

San Juan County

Number of Employees (full and part-time)

630

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors? Please explain.

We do not have an established board or committee to investigate ethics complaints. However, when do receive a complaint, it is investigated by our Human Resources and Legal Dept. Any ethical violation falling under the NM Governmental Conduct Act would be handled pursuant to the San Juan County handbook disciplinary procedures or handed over to the San Juan County District Attorney's Office or both.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

N/A

If your local government has an ethics body, does it provide advisory opinions or trainings?

N/A

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

When an ethics violation is received it is investigated by our Human Resources and Legal Dept. Any ethical violation falling under the NM Governmental Conduct Act would be handled pursuant to the San Juan County handbook disciplinary procedures or handed over to the San Juan County District Attorney's Office or both.

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Ordinance 34- San Juan County Handbook which explicitly incorporates the NM Governmental Conduct Act. Any Purchasing activities require filing of the NM Campaign Contribution Disclosure form.

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

San Juan County's Ordinance #34 is highly effective in resolving NM Governmental Conduct Act issues to include ethics violations.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

It would be helpful to be able to directly request an advisory opinion on the State's ethics laws.



Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

No- the sheer volume of baseless ethics complaints would overwhelm the Ethics Commission.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Increase- what we can informally resolve with minimal staff time, would now require multiple the number of staff hours dedicating to participate in a formal ethics proceeding

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

Expansion of Jurisdiction would deprive local bodies from efficiently resolving complaints.

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

In 2021, the State Ethics Commission must provide the Legislature and the Governor a report on whether the Commission's jurisdiction should be enlarged to include jurisdiction for complaints concerning the officials and employees of local public bodies. The State Ethics Commission therefore seeks the input of New Mexico's county and municipal governments. Your responses to this survey will inform the Commission's report to the Legislature and the Governor regarding expansion of the Commission's jurisdiction to include local public bodies.

If you have any questions when completing this survey, please call 505-362-9617. For more information about the Commission, please visit [www.sec.state.nm.us](http://www.sec.state.nm.us)

Email \*

wjohnson@sandovalcountynm.gov

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Sandoval County

Number of Employees (full and part-time)

500

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

Yes, an Ethics Board created by the County's Ethics Ordinance.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

The Ethics Board currently has jurisdiction over elected officials and non-employees. The Board is also responsible for reviewing the Ordinance for improvements and/or changes. Currently are considering expanding the Ethics Ordinance to all County employees, changing the name of the ordinance to a Code of Conduct, and including a provision on Commissioner Interference.

If your local government has an ethics body, does it provide advisory opinions or trainings?

Advisory opinions, yes. At this time the Ethics Board does not provide training.

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

N/A

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

All of the above is addressed through the Ethics Ordinance.

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Their scope is limited at this time, which is the reasoning behind increasing the Ordinance's scope to include employees.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Perhaps. These questions are currently forwarded to the Attorney General's office.

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

No. That function should be handled locally due to our local ethics ordinance, personnel rules, and collective bargaining agreements. The State Ethics Commission would not have access to these laws and policies and would not be able to provide a complete response.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Increase. Duplicating existing oversight would, by definition, increase costs.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

Before expanding its jurisdiction, the State Ethics Commission should focus on its own responsibilities under statute. As a new public body, I do not believe that it has reach the point where it is able to effectively increase its responsibilities.

Additional Comments or Perspectives

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Email \*

danny.monette@co.valencia.nm.us

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Valencia County

Number of Employees (full and part-time)

280

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

N/A

If your local government has an ethics body, does it provide advisory opinions or trainings?

N/A

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Handled by the County Commissioner, HR, County Manager and County Attorneys

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Works very well

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

No

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

increase



Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

Not at this time

Additional Comments or Perspectives

N/A

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**Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors? Please explain.**

Yes, the City of Albuquerque established a Code of Ethics and the City's Board of Ethics and Campaign Practices ("BoE") in 1974. The BoE has been enforcing the City's Code of Ethics for over forty-five years.

**If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).**

The BoE's jurisdiction is defined by Article XII of Albuquerque's City Charter. All City officials, as defined by Article XII, Section 2(k), are subject to the BoE's jurisdiction for violating the Charter's: conflict of interest provisions, Article XII Section 4; disclosure requirements, Article XI, Section 5; use of public property restrictions, Article XXI, Section 6; misuse of city employees in campaigns provisions, Article XII, Section 7; the City's Election Code, Article XIII, Sections 1 to 15; the City's Open and Ethical Elections Code, Article XVI, Sections 1 to 21, which govern the City's campaign financing program; and the rules promulgated by the BoE and City Clerk's office. Albuquerque's City Charter can be viewed at <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuqcharter/0-0-0-1>.

The rules and regulations which govern the BoE's conduct can be found at <https://www.cabq.gov/vote/documents/2020-final-boe-rules-regulations.pdf>.

**If your local government has an ethics body, does it provide advisory opinions or trainings?**

Yes, it provides trainings and can provide advisory opinions. It is staffed by the Clerk's Office and the Clerk's Office in conjunction with the Human Resources Department provides training on Ethics.

**If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?**

N/A.

**Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?**

Yes. The City of Albuquerque has Charter Provisions, ordinances, and administrative instructions, regarding governmental conduct, conflicts of interest, financial disclosures, and campaign finances. Our ordinances and policies are in several cases broader in applicability than the state.

**If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.**

The BoE is an effective body for monitoring and enforcing the provisions on Ethics in the City's Charter and Ordinances. It meets regularly and has historical precedent to inform its decisions.

### **Jurisdiction Expansion**

**Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.**

**Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?**

Yes, specifically as it relates to the interaction between officials from other bodies and the City of Albuquerque. Currently, there are occasions where officials from other public bodies are engaging with the City and their conduct is not regulated by our ordinances or the ordinances governing their own body. It would be useful to have more insight into these cross jurisdictional issues.

**Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.**

No, in the case of the City. The BoE is effective, independent and specialized. Its specialization is due to our unique and broad ethics laws as well as our independent campaign finance system (City races are not covered under the Campaign Reporting Act). As a result, there would not be an added benefit to the City to expand the jurisdiction of the State Ethics Commission other than the cross jurisdictional issue identified above.

**Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.**

Other than adjudication complaints involving cross jurisdictional issues, expansion of the State Ethics Commission's jurisdiction would increase costs to the City because it would most likely duplicate the existing enforcement efforts required by the City Charter and necessary to administer our local campaign financing program.

**Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?**

No.

### **Additional Comments or Perspectives**

N/A.

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Email \*

odominguez@cityofanthonymn.org

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

City of Anthony

Number of Employees (full and part-time)

33

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

We have not had any ethics complaints during my tenure.

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes. We have a formally adopted Code of Conduct.

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

It is marginally effective. Many still violate the code regularly.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes. Ethics are often "gray areas" and additional oversight can only benefit the City and its residents.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

It should have a net neutral fiscal impact on the City of Anthony.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

No, thank you

Additional Comments or Perspectives

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Email \*

AHOBSON@ARTESIANM.GOV

## Information About Your Local Government Body

Type of Local Government Body \*

☐ County

☒ Municipality

Local Government Body Name

Artesia City Council

Number of Employees (full and part-time)

200

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

no

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

we have not had any complaints on ethics violations

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

No

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

.....

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

no

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Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

no- we should handle these locally in a non partisan way

.....

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

i dont thin it would affect it either way

.....

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

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Additional Comments or Perspectives

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Email \*

roseann.peralta@belen-nm.gov

## Information About Your Local Government Body

Type of Local Government Body \*

- ☐ County
- ☒ Municipality

Local Government Body Name

City of Belen

Number of Employees (full and part-time)

118

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No, we do not have one. We have had several issues that have shown a need for one. Our FY Audits for the past 3 years has shown the need for some sort of oversight in regards to upper management and the elected officials. Concerns have been sent to the AG's office.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

N/A

If your local government has an ethics body, does it provide advisory opinions or trainings?

There has been no ethics training for our governing body. The NMML MOLI course has been offered to all of them yet they do not attend.

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Concerns have been brought to the attention of the AG's office and NM OSA.

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

We do have brief mentions in our personnel policy but nothing really presented as a important stand alone policy.

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

N/A

### Jurisdiction Expansion

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Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes. It would be great if our elected officials would be mandated to attend a training on the Governmental Conduct Act and the Procurement Code. As the Finance Director CPO I get accused of holding back monies when in fact I am delaying things because of the need to procure projects and items per our Procurement Policy. I also have to follow the statutory requirements from DFA, they think that I am just holding back funds.

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes. Someone needs to hold local public bodies accountable for their actions. Changing out appointed positions (City manager, Police Chief, Fire Chief) regularly is not benefiting the community or the organization. I have seen good employees leave or be unappointed due to their differences with the Mayor or governing body. Employees have done what they can to follow the laws and rules but are pushed out because they don't want to cave into the governing bodies demands.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

I believe that if there is a significant issue that is in need of an outside agency to look onto it; the cost would be justifiable. We have contracted with outside investigating companies to complete internals only to have there recommendations ignored by the governing body. In my opinion if it is done once it would be a deterrent for the issues to continue.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

I feel that if the Commission can gain jurisdiction it would be greatly beneficial to many communities in the state. The need to put ethics back into local government is huge. In my opinion, it can only happen if an outside agency can come in and expose the wrong doings these elected officials and upper management continue to do. The taxpayers savings on contract payouts and lawsuit settlements will be more than enough to cover the cost of your services.

### Additional Comments or Perspectives

I support the expansion of the jurisdiction of the State Ethics Commission. Thank you for all you do!

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Email \*

clerkadmin@bosquefarmsnm.gov

## Information About Your Local Government Body

Type of Local Government Body \*

☐ County

☒ Municipality

Local Government Body Name

Village of Bosque Farms

Number of Employees (full and part-time)

41

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

N/A

If your local government has an ethics body, does it provide advisory opinions or trainings?

N/A

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

We have handled them in-house.

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

It has been effective.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Maybe

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

No

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Increase

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

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Additional Comments or Perspectives

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Email \*

villageadmin@villageofcimarron.net

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Village of Cimarron

Number of Employees (full and part-time)

11

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

NA

If your local government has an ethics body, does it provide advisory opinions or trainings?

NA

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Through the Mayor and Governing Body- Executive Session

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

No not particular- The elected officials swear in and employees sign off on a policy

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Not very- things should be handled by a neutral party

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes I think it would be a great benefit

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes- Currently there isn't any avenue to file complaints without repercussion

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

I think it would decrease and deescalate situation a lot faster

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

I think its a great idea

Additional Comments or Perspectives

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Email \*

jhowalt@cityofclovis.org

## Information About Your Local Government Body

Type of Local Government Body \*

☐ County

☒ Municipality

Local Government Body Name

City of Clovis

Number of Employees (full and part-time)

380

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

We have not received an ethics complaint in at least 15 years. The public has a recall option for elected officials. Employees are subject to termination for ethics violations.

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Very effective. We have not received a complaint in the last 15 years.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

We would need more clarification regarding this question.

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

No

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Yes because there is no need for this at the municipal level, and the state would have to hire people to perform this work. It would an unfunded mandate.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

The City of Clovis is satisfied that it has the ability to investigate any ethics complaint should the need arise.

#### Additional Comments or Perspectives

Many thanks for reaching out.

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Email \*

CorralesMayor@corrales-nm.org

## Information About Your Local Government Body

Type of Local Government Body \*

☐ County

☒ Municipality

Local Government Body Name

Village of Corrales

Number of Employees (full and part-time)

48

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

N/A

If your local government has an ethics body, does it provide advisory opinions or trainings?

N/A

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Work with our contract attorney

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Defer to the state.

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

N/A

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes.

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Increase

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

Anti donation clause as applies to public/private roads.

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

In 2021, the State Ethics Commission must provide the Legislature and the Governor a report on whether the Commission's jurisdiction should be enlarged to include jurisdiction for complaints concerning the officials and employees of local public bodies. The State Ethics Commission therefore seeks the input of New Mexico's county and municipal governments. Your responses to this survey will inform the Commission's report to the Legislature and the Governor regarding expansion of the Commission's jurisdiction to include local public bodies.

If you have any questions when completing this survey, please call 505-362-9617. For more information about the Commission, please visit [www.sec.state.nm.us](http://www.sec.state.nm.us)

Email \*

townofdexter@dfn.com

## Information About Your Local Government Body

Type of Local Government Body \*

☐ County

☒ Municipality

Local Government Body Name

Town of Dexter

Number of Employees (full and part-time)

18

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

NO

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

N/A

If your local government has an ethics body, does it provide advisory opinions or trainings?

N/A

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Mayor and council Following Ordinance NO. 1992-3 Personnel Rules and Regulations of the Town of Dexter

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Ordinance NO. 1992-3 Personnel Rules and Regulations of the Town of Dexter. Have provided effective responses

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

N/A

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Possible increase for legal expenses.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

N/

a

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

N/A

Additional Comments or Perspectives

N/A

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

mayor@cityofeb.com

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

City of Elephant Butte

Number of Employees (full and part-time)

13

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No committee other than council along with the city attorney

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Council and city attorney

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Basic code of ethics.

Recently expanded to include all board and commission members

### Jurisdiction Expansion

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Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

We havent had the need however if needed, the states assistance would be welcome

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Increase if it incurs additional legal fees

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

Preference is to resolve locally first and approach state if needed

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

manager@cityofeunice.org

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

City of Eunice

Number of Employees (full and part-time)

65

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

Yes, City Council just adopted ethics for elected official but they are governing themselves.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

All elected officials in the City of Eunice

If your local government has an ethics body, does it provide advisory opinions or trainings?

No

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

They have censored a council member for their comments and attendance.

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes, just passed last year.

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Since enacting the ordinance attendance went from 70% average to 90% average.

### Jurisdiction Expansion

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Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes, there needs to be a watch dog group when dealing with government funds and laws.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

I could see an increase if the governing body has problems and has to defend itself or actions.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

There are a lot of elected officials that choose not to do their job they are elected to do. Currently most city's have no recourse on this but to wait out their term. In our case our council member that was reprimanded turned around and sued the city in federal court. It would be nice to have a state agency to help correct the problem.

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

mustick@gallupnm.gov

## Information About Your Local Government Body

Type of Local Government Body \*

☐ County

☒ Municipality

Local Government Body Name

City of Gallup

Number of Employees (full and part-time)

455

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

No but city has provided this training to employees

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

City has A Code of Conduct. We investigate violations either by HR staff or a third party investigator—but only for city staff and not elected officials.

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Fair

### Jurisdiction Expansion

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Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes this would help  
City enforce its own code of conduct.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Cost neutral unless citizens use this  
Process to harass elected officials.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

No

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

eporras@villageofhatch.org

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

VILLAGE OF HATCH

Number of Employees (full and part-time)

26

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

Complaints usually come to the attention of the Mayor and Board of Trustees.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

Complaints usually come to the attention of the Mayor and Board of Trustees, and they're the ones that take action to remedy the problem.

If your local government has an ethics body, does it provide advisory opinions or trainings?

Advice from legal counsel, but no training.

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Complaints usually come to the attention of the Mayor and Board of Trustees, and they're the ones that take action and begin the investigation if within our means, if not we normally seeks legal advice as well depending on the kind of complaint.

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

We have policies and procedures in place for all finances, but no ordinances.

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

We have no ordinances, at this time, but willing to work towards implementing one.

### Jurisdiction Expansion

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Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

N/A

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

None

Additional Comments or Perspectives

No

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

scobb@hobbsnm.org

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

City of Hobbs

Number of Employees (full and part-time)

472 fulltime and 59 part-time

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

It is currently being handled by the City Attorney. We do not have a Board.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

NA

If your local government has an ethics body, does it provide advisory opinions or trainings?

NA

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Via our City Attorney or the State Auditor

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes - they are compliant with current state and federal law

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

We have never had a complaint that the State Auditor found to be valid one.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

No

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

I would increase our costs.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

I believe that State Auditor and the Attorney General has the appropriate authority to address any ethics violations.

Additional Comments or Perspectives

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Email \*

scott.parnell@villageoflogan.com

## Information About Your Local Government Body

Type of Local Government Body \*

☐ County

☒ Municipality

Local Government Body Name

Village of Logan

Number of Employees (full and part-time)

16

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

N/A

If your local government has an ethics body, does it provide advisory opinions or trainings?

N/A

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Mayor / Trustees (council)

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Very effective. The village council and the administration is very transparent to the community we serve.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes, as needed

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

In certain Instances many municipalities could benefit from additional oversight

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

A greater focus on larger communities could benefit and decrease the cost incurred by eliminating to wasteful spending that takes place. In smaller municipalities we do not have the benefit of wasteful spending so additional costs is not an option as wasteful spending is not an option.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

No

Additional Comments or Perspectives

No, Thank you

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

jeannie.madrid@cityoflordsburg.org

## Information About Your Local Government Body

Type of Local Government Body \*

☐ County

☒ Municipality

Local Government Body Name

City of Lordsburg

Number of Employees (full and part-time)

44

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors? Please explain.

No we have to hire outside of the department for assistance.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

N/A

If your local government has an ethics body, does it provide advisory opinions or trainings?

N/A

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

The City Council and Mayor would handle the complaint if it was within the city.

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Our personnel policy is an ordinance that covers all of these types of issues.

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

It works.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

yes

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

It would increase because of the assistance we would be provided with if we have to hire outside of the municipality to handle a legal matter.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

No

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

marting@loslunasnm.gov

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Village of Los Lunas Mayor and Village Council

Number of Employees (full and part-time)

221

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

N/A

If your local government has an ethics body, does it provide advisory opinions or trainings?

N/A

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

We haven't had any that I know of.

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Marginally, but they haven't really been tested that I know of.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

It would seem so.

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Sounds logical.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Increase, because it always seems to.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

None that I can think of.

Additional Comments or Perspectives

None

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

manager@villageofmilan.com

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Village of Milan

Number of Employees (full and part-time)

38

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors? Please explain.

Not at this time. We have not received these types of complaints before.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

N/A

If your local government has an ethics body, does it provide advisory opinions or trainings?

N/A

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

We have not been faced with these complaints

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

The ordinances can be updated to a more current ordinance.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes, the State's Ethics Commission is more familiar with those laws.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

I feel it would do neither.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

N/A

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

In 2021, the State Ethics Commission must provide the Legislature and the Governor a report on whether the Commission's jurisdiction should be enlarged to include jurisdiction for complaints concerning the officials and employees of local public bodies. The State Ethics Commission therefore seeks the input of New Mexico's county and municipal governments. Your responses to this survey will inform the Commission's report to the Legislature and the Governor regarding expansion of the Commission's jurisdiction to include local public bodies.

If you have any questions when completing this survey, please call 505-362-9617. For more information about the Commission, please visit [www.sec.state.nm.us](http://www.sec.state.nm.us)

Email \*

mayorhart@moriartynm.gov

## Information About Your Local Government Body

Type of Local Government Body \*

☐ County

☒ Municipality

Local Government Body Name

City of Moriarty

Number of Employees (full and part-time)

Under 50

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

By department heads with oversight e by mayor and council

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

We follow the government conduct act. NMSA1978, chapter 10 Article 16

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

We have been in compliance with the government conduct act.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes, we could always use a free source of information.

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes, maybe as a oversight to the city's process, and final outcome. I do believe that the attorney generals office requires the government agencies to report such complaints anyway, so having a dual reporting process might be a longer process and very expensive to the agency.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Increase definitely, smaller cities don't have the man power to go through additional processes, such as paperwork, attorney cost, labor intensive work.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

None

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

townclerk@mountainairnm.gov

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Town of Mountainair

Number of Employees (full and part-time)

14

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

No

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

.....

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

yes

.....

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes, because it would provide accountability to rural communities that do not have the resources or where the conflicts of interests are too intertwined.

.....

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

It would increase if the State Ethics Commission were to bill the town for their services.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

Do not charge smaller towns for this service, or find a way to fund it indirectly.

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

sberry@cityofraton.com

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

The City of Raton

Number of Employees (full and part-time)

109

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

All complaints related to employees (including ethics) are the duty of the City Manager {NM Stat § 3-14-14 (2018)}.

Complaints related to Contractors are generally the duty of the City Manager, but detailed in contract terms and oversight by independent auditor. The City Commission has authority in regard to the City Manager, who is at-will. City Commissioners, Muni Judge oversight is vested with A.G., State Auditor, DFA, or possibly other state-level authority.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

Raton is a statutory municipality - under the provisions of New Mexico Statutes, or local ordinance that is not in contradiction to statute.

If your local government has an ethics body, does it provide advisory opinions or trainings?

Not Applicable

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

For employees - § 33 City Personnel Ordinance.

For Contractors - Statute/ Ordinance compliance by City Manager, Chief Procurement Officer, City legal staff.

City Manager - referred to Raton City Commission, City legal staff

Elected officials - NMAG, NM State Auditor, NM DFA, District Court

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

The Governmental Conduct Act, NMSA 1978, Chapter 10, Article 16

§ 30 City Officers & Employees Ordinance

§ 33 City Personnel Ordinance

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

The effectiveness is high - all related issues resolved successfully and timely in my experience with the City of Raton. Public interest has not been compromised and issues have been minor in nature.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

City of Raton participates currently in similar training and is subject to significant oversight from NMAG, State Auditor, DFA, numerous state regulatory initiatives. I would be concerned with duplication of state-level oversight and requirements without specific knowledge of the local specific factors.

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

As above - concern for duplication of oversight efforts, application of less effective centralized system that results in undermining effective local mechanisms.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

It would increase expenses - reasons stated above

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

Consultation with New Mexico Municipal League and New Mexico Counties would be productive.

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

glauer@rrnm.gov

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

City of Rio Rancho

Number of Employees (full and part-time)

700

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

Yes. There's an ethics panel, the City's Governing Body, and the courts. The commission is a gilded, superfluous, feelgood notion which should be disbanded and the resources reallocated to better ideas.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

[https://www.codepublishing.com/search/?cmd=getdoc&DocId=419&Index=%2fvar%2frib%2fdtsearch%2fhtml%2fNM%2fRioRancho&HitCount=41&hits=ae+3f7+57c+1308+1325+1351+137a+137c+137f+1390+13bc+13d6+13e9+13f6+1405+142a+143b+148e+1496+149a+14b5+14da+150e+151a+1580+15a0+15ad+15dd+15f8+1621+1648+1661+16bc+16bf+172f+1761+1790+17a1+17c3+17da+186f+&SearchForm=html%3A%2FNM%2FRioRancho%2Fsearch\\_form.html](https://www.codepublishing.com/search/?cmd=getdoc&DocId=419&Index=%2fvar%2frib%2fdtsearch%2fhtml%2fNM%2fRioRancho&HitCount=41&hits=ae+3f7+57c+1308+1325+1351+137a+137c+137f+1390+13bc+13d6+13e9+13f6+1405+142a+143b+148e+1496+149a+14b5+14da+150e+151a+1580+15a0+15ad+15dd+15f8+1621+1648+1661+16bc+16bf+172f+1761+1790+17a1+17c3+17da+186f+&SearchForm=html%3A%2FNM%2FRioRancho%2Fsearch_form.html)

If your local government has an ethics body, does it provide advisory opinions or trainings?

yes

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

N/A

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

8 out of 10

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

No. The commission is guaranteed to be staffed with wonks and cronies who know little if anything about local government administrations or operations. Why add layers of meaningless and wasteful bureaucracy that will achieve nothing meaningful or useful? There is nothing the commission offers now or could offer that is not already provided for by other laws, regulations, and entities.



Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

No. It was a bad idea from inception and expanding it does not improve this condition. There are already myriad agencies, laws, regulations and oversight measures which render the commission to be useless, wasteful, and duplicitous from inception. There are also all the equitable and legal reliefs and remedies available through the courts. The commission is a political hacking tool waiting to be exploited. Why expand its wasteful and meaningless existence?

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

The commission is guaranteed to waste time, money, and all the other scarce resources local governments have. Anyone who believes the commission is a worthwhile or valuable entity and that its jurisdiction should exist, or be expanded should be disqualified from ever serving on the commission.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

It's foolish to believe that the commission is designed, equipped, or staffed to make any meaningful difference in the short or long run. It's a box to check on resumes for political wonks and cronies, nothing more.

### Additional Comments or Perspectives

The State Ethics Commission is duplicitous and wasteful idea. Better to confine its current ability to waste others' time and resources rather than saddle counties and municipalities with an imperious and wrong-headed agenda that will add to the exhaustion of their scarce resources.

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

j.neeb@roswell-nm.gov

## Information About Your Local Government Body

Type of Local Government Body \*

☐ County

☒ Municipality

Local Government Body Name

City of Roswell

Number of Employees (full and part-time)

540

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

Nothing for elected officials. Employees and City Contractors are governed by agreement and personnel handbook.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

All employees and city contracts are managed through the City Administration department and Human Resources. When complaints are received, an investigation is completed. The severity of the complaint sets the level of investigation. All remedies are available from unfounded resolutions and up to termination from employment with the City.

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

All complaints against employees and contractors are resolved quickly and appropriately. Issues involving elected officials are not addressed by City Administration.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes, advisory opinions are appreciated.

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

No. These matters are best handled locally. There are many methods available to local jurisdictions with employee and contractor matters. Elected officials are left to govern themselves.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Increase costs. There are many different layers for ethics complaints. They can come from those truly affected to those who just don't agree with another's position. By expanding the jurisdiction of the Commission, the fear would be that most resolutions will be resolved through the expense of increased investigations and financial penalties.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

There are ample avenues to correct ethic violations with employees and contractors. It is difficult to enforce ethical behavior on elected officials as they are only responsible to their constituents through their vote.

Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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Email \*

sanysidroclerk@valornet.com

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Village of San Ysidro

Number of Employees (full and part-time)

6

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Filing Complaints with the city office

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Great! All ordinances are enforced and followed. We are a very small Village

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Yes, it means accountability is necessary.

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

I believe it would neither increase or decrease.



Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

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Additional Comments or Perspectives

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

In 2021, the State Ethics Commission must provide the Legislature and the Governor a report on whether the Commission's jurisdiction should be enlarged to include jurisdiction for complaints concerning the officials and employees of local public bodies. The State Ethics Commission therefore seeks the input of New Mexico's county and municipal governments. Your responses to this survey will inform the Commission's report to the Legislature and the Governor regarding expansion of the Commission's jurisdiction to include local public bodies.

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Email \*

rbellis@taosgov.com

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Town of Taos Town Council

Number of Employees (full and part-time)

132

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors? Please explain.

No. Currently complaints regarding employees are handled by the HR Dept., which increasingly uses an independent outside investigator and reports the findings to the Town Manager. Complaints about the Manager or elected officials would be handled by the Town Attorney. Police and Fire additionally conduct an Internal Affairs Investigation regarding internal complaints and use outside law enforcement to conduct the investigation if it is an external complaint or there is the appearance of conflict to conduct it internally.

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

Not applicable.

If your local government has an ethics body, does it provide advisory opinions or trainings?

Not applicable.

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Currently complaints regarding employees are handled by the HR Dept., which increasingly uses an independent outside investigator and reports the findings to the Town Manager. Complaints about the Manager or elected officials would be handled by the Town Attorney. Police and Fire additionally conduct an Internal Affairs Investigation regarding internal complaints and use outside law enforcement to conduct the investigation if it is an external complaint or there is the appearance of conflict to conduct it internally.

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Our Personnel Code references and incorporates the State Governmental Conduct Act. The Council has additional conflict of interest language in the Town Code governing them. All RFP's/contracts require financial full disclosure by vendors/bidders regarding campaign contributions that might influence the decision-making process.

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

In general, fairly effective. Elected officials have been fairly good at self-disclosing or requesting the advice of the Town attorney before voting on matters that might have the appearance of conflict. Employees are already heavily covered by existing code and state law and even second jobs have to be disclosed. Hiring anyone who has a family member with the town requires that it be noticed and approved by the governing body at a regularly scheduled public meeting. Citizen committees and advisory boards sometimes need to be made aware by staff or the attorney of potential or the appearance of conflicts but are fairly effectively dealt with when they arise or are removed if not disclosed.

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Training is always helpful but advisory opinions are redundant in the the municipal attorney typically rules on the spot for items that arise spontaneously during meetings and if a member of the public disagrees it ends up before the AG.

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

NO. In theory this would be ideal but based on my experience at both the county and municipal levels you would have people using it the opposite way it is intended, by making repeated complaints to color the reputation of political figures they disagree with. This has happened before, always near an election, with nothing coming of it but allegations made just before an election to grab an adverse headline about an accusation they know is groundless to influence a vote when months after the election when the damage is already done a report comes out that it was groundless. Both the State Auditor and AG Offices have been used in this way and yet when there was serious actual criminal wrongdoing I had to go to the FBI, Dept. of Justice, HUD or other federal agencies to get a timely investigation and action because the state entities were so overloaded with politically motivated complaints and people that just didn't like local policies. I don't see this being any different.

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Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Increase. It would be abused by a small handful of anti-everything people in every community to grind the system to a halt and cause staff and officials, who are already too gun shy to act on controversial but badly needed public policy initiatives like, affordable housing, holding community organizations accountable, raising taxes for infrastructure, et. to act. Every complaint, whether baseless or real, would require the Town to provide attorney's , produce reams of records, take up endless staff time to produce records and testimony, etc. for all parties. We are increasingly unproductive and overwhelmed at the local level meeting voluminous and endless requests for documents and information from a small number of sometimes emotionally unbalanced and extreme people under IPRA, Open Public Meetings Act and local transparency requirements, as well as DFA, State Auditor and AG requirements. We support these and they are needed. But adding just another layer that does the same thing is doing it just to say you are doing something without really adding anything new. Now, under HB-3, in its broadest interpretation, any public employee or official can be sued for violating anyone's rights on anything and political gadflies and attorney's will be having a field day using the ethics commission to do their work for them or to lay the groundwork of an ethics complaint as the predicate for lawsuits. Why can't we use the system we have already been using? Report it to the AG (criminal), DA, DFA (Bidding and contracts), Secretary of State (elections), State Auditor (finance and misappropriation)? Is this not working? If not, fix it. But adding another politically appointed agency to oversee what multiple agencies are already charged with isn't helping. To have a valid "ethics complaint" and to be able to prosecute it there has to have been a violation of an existing public, law, regulation, rule or policy; which means that if that requirement exists already then there is already an agency charged with overseeing that requirement.

If you do this, then win or lose you should pay the municipality for any expenses it has to comply with your investigation. Otherwise you are goin to have to start taking over local governments because all of these ever increasing unfunded mandates are becoming our full-time job and breaking us.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

If you start doing this, then win or lose you should pay the municipality for any expenses it has to comply with your investigation. Otherwise you are going to have to start taking over local governments because all of these ever increasing unfunded mandates are becoming our full-time job and breaking us.

Why include employees and vendors when we can't find anyone wanting to work for or do business with local government as it is due to all of the added requirements, delays, disclosures and liabilities? There are already systems in place to protect whistleblowers and ferret out problem employees. We have unions. Have all the District Courts closed? People have not had any problem so far suing local government in court on a revolving door basis over anything and everything.

I would say that maybe including elected local officials is the only layer that makes sense, but I have never seen anyone remove an elected official in NM for any behavior unless it became so egregious they were charged criminally and either resigned or were removed by the court. And this wouldn't be any different.

### Additional Comments or Perspectives

Uneducated and apathetic voters are the greatest risk to ethical government. Subjecting everyone to being held to an ethics investigation every time anyone in the state doesn't like what you do won't result in more ethical government; it will result in worse government. Because competent and successful people that can make more money with less personal and public grief in the private sector are rapidly leaving public service and what you are left with are the folks that are unscrupulous, unable to find work elsewhere and are the most likely to seize opportunities to get something extra for nothing and to leverage their job/office. In my 45 years in government I have never been pressured or approached by an elected official with a successful business or career to do anything untoward. But nearly every unemployed elected official in that time has had to be warned or has pressured me to do things that violated some law. Ask any manager/administrator and they will tell you the same thing. Make it less desirable to serve in office or as an employee and you will see more, not less, ethical behavior at every level. We are at a tipping point and you are about to go over it.

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# STATE ETHICS COMMISSION SURVEY FOR COUNTIES & MUNICIPALITIES

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If you have any questions when completing this survey, please call 505-362-9617. For more information about the Commission, please visit [www.sec.state.nm.us](http://www.sec.state.nm.us)

Email \*

javila@vtsv.org

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Village of Taos Ski Valley



Number of Employees (full and part-time)

20

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors? Please explain.

The Village Council can hear and adjudicate those charges

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

It is the entire Council

If your local government has an ethics body, does it provide advisory opinions or trainings?

NA

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

The Entire Governing Body, Village Council hears complaints

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

Not complete, it could be more structured, members of the Governing Body police themselves with few formal procedures

### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

We should be able to get advisory opinions just as the AG office or Local Government Division can offer opinions

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

Other Departments of the State are more appropriate to oversee contractors, the Local government oversees the employees but there is little oversight of the highest officials

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

More expensive, as it would be an unfunded mandate and the local entity will be charged with defense of officials

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

Share training to all, focus scrutiny on the highest level and fewest members for the most impact

#### Additional Comments or Perspectives

Unfortunately those that that operate now with impunity can scape goat subordinate levels unless the scrutiny is focused on them

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Email \*

cityclerk@yucca.net

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

City of Texico

Number of Employees (full and part-time)

7 full time 1 part time

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors? Please explain.

Not that I know of

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

The city council but I don't know of any complaints on ethics in over 20 years

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

good

### Jurisdiction Expansion

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Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

no

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

increase

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

none

Additional Comments or Perspectives

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Email \*

rebekah@tularosa.net

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Village of Tularosa



Number of Employees (full and part-time)

37

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

no

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Haven't had to deal with any ethic issues but it would be handled by the Mayor and Board

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

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### Jurisdiction Expansion

Currently, the State Ethics Commission can receive, investigate, and adjudicate complaints filed against the officials and employees of the legislative and executive branches of state government, lobbyists, candidates, and state contractors. Additionally, the Commission also provides support through trainings and advisory opinions on the state's ethics laws such as the Governmental Conduct Act, the Financial Disclosure Act, and the Procurement Code among others.

Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

yes

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Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

No i feel they should be handled by the the local public bodies.

.....

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

I'm not sure if our costs would increase

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Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

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Additional Comments or Perspectives

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Email \*

mayor@villageofwilliamsburg.com

## Information About Your Local Government Body

Type of Local Government Body \*



County



Municipality

Local Government Body Name

Village of Williamsburg

Number of Employees (full and part-time)

3

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

If your local government has an ethics body, does it provide advisory opinions or trainings?

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Through the Attorney Generals office

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

No

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

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### Jurisdiction Expansion

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Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

Yes

.....

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

No. More paperwork

.....

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Neither

.....

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

No

Additional Comments or Perspectives

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Email \*

clerkadmin@bosquefarmsnm.gov

## Information About Your Local Government Body

Type of Local Government Body \*

☐ County

☒ Municipality

Local Government Body Name

Bosque Farms



Number of Employees (full and part-time)

41

Does your local government have a board, committee, or other body that investigates or adjudicates ethics complaints involving government officials, employees, or contractors?  
Please explain.

No

If your local government has an ethics body, please provide either a citation to its rules or a brief explanation of its work (e.g., who is subject to its jurisdiction, how complaints are processed, and what remedies are available).

N/A

If your local government has an ethics body, does it provide advisory opinions or trainings?

N/A

If your local government does not have an ethics body, how has your local government handled complaints alleging ethics violations?

Does your local government have ordinances or other local laws that concern governmental conduct, conflicts of interest, financial disclosures, or campaign finance and disclosure?

Yes

If yes, how would you rate the effectiveness of your local government's ethics body and ordinances? Please explain.

It's fine

### Jurisdiction Expansion

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Would it benefit your local government's officials and employees to be able to request and receive advisory opinions on the state's ethics laws?

No

Do you believe the State Ethics Commission's jurisdiction to receive, investigate, and adjudicate complaints should be expanded to include complaints involving the officials, employees and contractors of New Mexico's local public bodies? Please explain.

No

Do you believe that expansion of the Commission's jurisdiction for complaints involving officials, employees, and contractors of your local government would increase or decrease the overall costs incurred by your local government? Please explain.

Is there any other information or perspective that should inform the State Ethics Commission's report regarding the potential expansion of jurisdiction for complaints against officials, employees, or contractors of local public bodies?

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Additional Comments or Perspectives

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