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Hon. William F. Lang
Jeffrey L. Baker
Stuart M. Bluestone
Hon. Dr. Terry McMillan
Hon. Celia Castillo
Ronald Solimon
Dr. Judy Villanueva

STATE ETHICS COMMISSION

Commission Meeting Minutes of August 4, 2023 | 9:00AM-12:00PM [Subject to Ratification by Commission]

1. Call to Order

Chairman Lang called the meeting to Order at 9:01 AM.

2. Roll Call

The roll was called; the following Commissioners were present:

Jeffrey L. Baker, Commissioner
Stuart M. Bluestone, Commissioner
Hon. Celia Castillo, Commissioner
Ronald Solimon, Commissioner
Dr. Judy Villanueva, Commissioner
Hon. William Lang, Chair

The following Commissioners were absent:

Terry McMillan, Commissioner

3. Approval of Agenda

Chair Lang sought a motion to approve the agenda. Director Farris sought an amendment to strike from the agenda items 8, 11, 9D, 9E, 12D, and 12E. Director Farris requested to move administrative complaints first in executive session and requested item 9A be last in the executive session. Director Farris requested to add an item before the advisory opinions to provide a legislative update. Commissioner Bluestone requested to amend the agenda to add an update on the Financial Disclosure Act before the executive session. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the agenda unanimously.

4. Approval of June 2nd Commission Meeting Minutes

Chair Lang sought a motion to approve the minutes of the June 2, 2023, Commission meeting. Commissioner Soliman moved to approve the minutes; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the minutes unanimously.

Commission Meeting Items

5. Legislative update

Director Farris discussed the FY25 appropriation request. Director Farris briefly discussed the strengths of hiring attorneys out of the summer associate class, a proposal that could be achieved through the FY25 appropriation request. Commissioner Bluestone commended Director Farris for reaching out to Senator Baca and recommended that Director Farris connect with the Speaker of the House, the Minority leader of the House, and their staff.

6. Financial Disclosure Act Update

Director Farris and Special Council Caroline Manierre reported updates on demand letters that were sent out. They reported that about half of the financial disclosure forms had been filed and cited issues with the CIFS system as a potential barrier.

7. Advisory opinion 2023-05

Director Farris provided an overview of the opinion which addressed the question:

A Village has a recreational vehicle (“RV”) park located within it. Adjacent to the RV park is a small triangular piece of property which is owned by the Village. For many years, the RV park used that parcel of Village property as an extension of the RV park, accommodating three to four recreational vehicles. Consequently, at some point, the Village lost institutional memory of its ownership of the parcel.

In 2019, an individual acquired the RV park, but did not purchase the small triangular piece of Village property. In 2020, that same individual was elected as a Village Trustee. In 2022, the Village discovered that the RV park was using the Village’s property. The Trustee has conceded the Village’s ownership of the parcel, requested that the Village vacate the parcel, and has expressed interest in purchasing the parcel, which has been appraised at \$5,250.00.

Based on these facts: (1) What obligations does the Village have in any transaction between the Village and the Trustee regarding the parcel, including whether the Village has an obligation to recoup funds from the Trustee for her use of the parcel since 2019, such that the Village should seek compensation beyond the appraised value? (2) Does the use of the RV park violate the Anti-Donation Clause, and if so, how should the Village address it?

Chair Lang sought a motion to adopt Advisory Opinion 2023-05. Commissioner Bluestone moved to adopt the opinion; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and issued Advisory Opinion 2023-05.

8. **Advisory Opinion 2023-06**

Director Farris provided an overview of the opinion which addressed the question:

In October 2021, the City entered into a collective bargaining agreement with the Police Officers Association (“the POA”). On March 3, 2023, the POA requested to reopen collective bargaining negotiations per its October 2021 agreement. A former mayor of the City is currently serving as a negotiator on behalf of the POA in its negotiations with the City. As mayor, he was briefed on negotiations regarding the collective bargaining agreement with the POA, “gave direction to the negotiation team, along with the City Council, about acceptable concessions and changes[,]” was “the presiding officer of the City’s governing body” when the City entered into the October 2021 collective bargaining agreement, and appointed the manager and interim city manager who also had a role in entering the agreement on the City’s behalf. Considering these facts and Section 10-16-8(C)(2) of the Governmental Conduct Act, NMSA 1978, §§ 10-16-1 to -18 (1967, as amended through 2023), may the City enter into a new collective bargaining agreement with the POA?

Chair Lang sought a motion to adopt advisory opinion 2023-06. Commissioner Solimon moved to adopt the opinion; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All commissioners voted in the affirmative and issued Advisory Opinion 2023-06.

---Beginning of Executive Session---

Chair Lang sought a motion to enter executive session under NMSA 1978, §§ 10-15-1(H)(3) (administrative adjudicatory proceedings), and 10-15-1(H)(7) (attorney-client privilege pertaining to litigation). Commissioner Castillo moved to enter executive session; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and entered the executive session.

9. Discussion regarding administrative matters under State Ethics Commission Act: (*Manierre*)

- b. Administrative Complaint No. 2023-019
- c. Administrative Complaint No. 2023-021
- f. Administrative Complaint No. 2023-024

- a. Administrative Complaint No. 2023-006

10. Discussion regarding current and potential litigation:

(Boyd, Branch, Farris)

- a. Request for authorization to file a civil enforcement action against a local public official for violations of the Governmental Conduct Act

The matters discussed in the closed meeting were limited to those specified in the motion to enter executive session. After concluding its discussion of these matters, the Commission resumed public session upon an appropriate motion.

---End of Executive Session---

11. **Authorization of Civil Actions:**

(Branch, Boyd, Farris)

- a. **Commission authorization of civil action regarding violations of the Governmental Conduct Act by a local public official:** Commissioner Jeff Baker moved as stated above; Commissioner Castillo seconded as stated above. Chair Lang conducted a roll-call vote. Commissioner Bluestone recused. All other present commissioners voted in the affirmative and approved the motion unanimously.

12. **Action on Administrative Complaints Nos. 2023-006, 2023-019, 2023-021, 2023-024**

Special Counsel Caroline Manierre asked the Commission for the following motions on the following administrative cases:

- **Commission sought a motion to dismiss administrative complaint No. 2023-006 for lack of jurisdiction:** Chair Lang moved as stated above; Commissioner Soliman seconded. Chair Lang conducted a roll-call vote. Commissioner Bluestone recused. All other present commissioners voted in the affirmative and approved the motion unanimously.
- **Commission sought a motion to dismiss Administrative Complaint No. 2023-019 for lack of jurisdiction:** Commissioner Castillo moved as stated above; commissioner Baker seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All commissioners voted in the affirmative and approved the motion unanimously.
- **Commission sought a motion to dismiss Administrative Complaint No. 2023-021 for lack of jurisdiction:** Commissioner Jeff Baker moved as stated above; Commissioner

Solimon seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All commissioners voted in the affirmative and approved the motion unanimously.

- **Commission sought a motion to dismiss Administrative Complaint No. 2023-024 for lack of jurisdiction:** Commissioner Castillo moved as stated; Commissioner Baker seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All commissioners voted affirmative and approved the motion unanimously.

13. **Request to represent pro bono good government amici in support of neither party in D-506-CV-2022-00041 and related appeals**

Director Farris requested from the commission permission to work on a pro bono amicus brief in support of neither party regarding redistricting congressional maps. This permission includes permission to represent amici in district court and on appeal to the Supreme Court. Chair Lang explained that a motion for approval was unnecessary.

14. **Selection of Next Meeting**

Chair Lang confirmed that the next meeting would take place on November 3rd, 2023. The meeting will be held tentatively via Zoom.

15. **Public Comments**

No public comments were made.

16. **Adjournment**

Chair Lang raised the adjournment of the meeting. With no objections made, the meeting was adjourned at 11:02 AM.

[Subject to Ratification by Commission]