



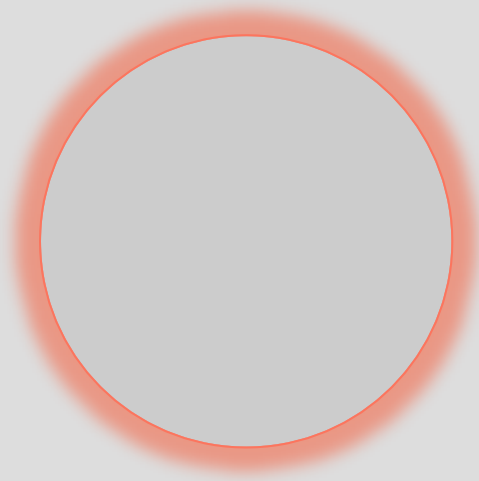
CITY OF SANTA FE

MRA Commission: Ethics Rules and Inspection of Public Records

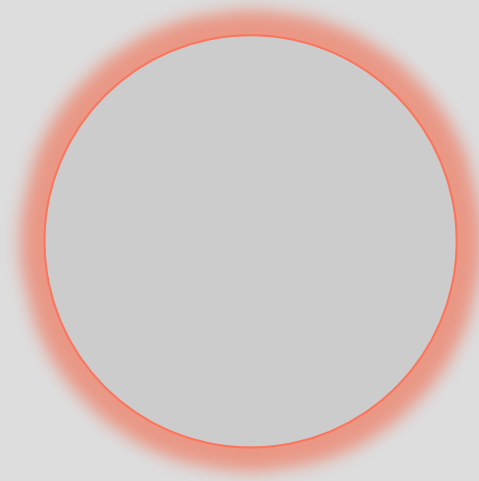
Pat Feghali, Assistant City Attorney

December 4, 2024

Ethics Rules



The City of Santa Fe's Charter, 2.01, calls for a Code of Ethics.



The City's Ethics Code is codified by City ordinance. The Code is online: City Home Page --> Your Government --> Santa Fe Municipal Code --> Chapter 1 General Provisions -> 1-7, Code of Ethics

Santa Fe's Code of Ethics

"The proper operation of a democratic government requires that public officials and public employees be independent, impartial, and responsible to the people; that governmental decision and policy be without conflicts of interest; that public office or employment not be used for personal gain; and that the public has confidence in the integrity of its government."

SFCC 1987, Section 1-7.2

Santa Fe Code of Ethics Purpose

Purpose and Intent (SFCC 1987, Section 1-7.3)

- To fulfill the obligation imposed on the Governing Body by the Santa Fe Municipal Charter to establish standards of ethical conduct for public officials, employees, and provide consequences if violated.
- To adopt standards to make decisions without consideration of personal benefit.
- To provide clear guidance as to what is allowed and not allowed.
- To advance openness in City government through disclosure.
- To exercise legislative powers granted under the State Constitution and adopt a code of ethics to meet local concerns and needs of Santa Fe.

What is a conflict of interest under the City's code?

The City's code defines a conflict of interest as follows: A specific and identifiable prospect of pecuniary gain or loss, other than a gain or loss that is de minimis in amount or shared with a substantial segment of the general public, to any of the individuals or entities here listed from an official act of any public official or employee:

- (1) The public official or public employee who is to perform the official act;
- (2) Any member of his or her family;
- (3) Any business of which he or she or any member of his or her household is an owner;
- (4) Any employer, client or customer from whom the public official or public employee knows or reasonably should know that he or she or any member of his or her household...;
- (5) Any civic group, labor union, or social, charitable or religious organization of which the public official or public employee or a member of his or her household is an officer or director; or
- (6) Any business or any of its owners, if the public official or public employee knows or reasonably should know that the business or any of its owners, has made "contributions" or has directed the making of "contributions," as that term is defined in subsection 9-2.3(I) SFCC 1987, to the public official's or public employee's campaign for elected office in an aggregate amount greater than two hundred fifty dollars (\$250.) during the two (2) years preceding the official act.

SFCC 1987 Section 1-7.5, Definitions



What are the MRA conflict of interest limitations under State statute?

No public official or employee...shall voluntarily acquire any interest, direct or indirect, in any metropolitan redevelopment project of the local government or in any contract or proposed contract in connection with the project.

NMSA 1978, Section 3-60A-17

Not every official act that benefits the actor is a conflict of interest:

Not a conflict: A gain or loss that is “de minimis” in amount, or a gain shared with a substantial segment of the general public.

Example: You help draft legislation that will reduce taxes for all the citizens of Santa Fe, and you are a citizen of Santa Fe.

What do you do if you have a conflict of interest?

Do not participate!

A public official or public employee shall not perform an official act or attempt to influence another person to perform an official act in any matter in which he or she has a conflict of interest.

SFCC 1987, Section 1-7.7(M)(2)



What is an improper gift?

A gift or other financial benefit, including, but not limited to, travel and accommodations, from any person or entity which, to the knowledge of the public official or public employee, has any prospect of direct or indirect pecuniary gain or loss from any official act to be performed by the public official or public employee, with a **fair market value of over fifty dollars** (\$50.00)

SFCC 1987, Section 1-7.7(A)

What to do if you discover that have accepted a gift that you later discover is improper?

If you received a gift or other financial benefit within the last calendar year and then discover that the gift-giver has a prospect of direct or indirect pecuniary gain or loss from your official act(s), you must return the gift or disclose the gift and not take the official act, as provided by the conflict of interest rules.

SFCC 1987, Section 1-7.7(A) and (M)

Inspection of Public Records Act (IPRA)

- The public is entitled to the greatest possible information on public affairs.
- **Your records related to public business as a MRA Commissioner are subject to IPRA.**
- Records can include emails and texts about public business, even if they are to private accounts.
- If there is a request for public records and you have such records (like emails or texts) you must provide them.

Questions?

Legal or conduct related questions:

Pat Feghali: pfeghali@santafenm.gov