

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2014-12

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4  
5 AN ORDINANCE

6 RELATING TO CAMPAIGN CONTRIBUTIONS FROM CITY CONTRACTORS;  
7 AMENDING THE CODE OF ETHICS, SECTION 1-7 SFCC 1987 AND THE CAMPAIGN  
8 CODE, SECTION 9-2 SFCC 1987 TO REGULATE CONFLICTS OF INTEREST ARISING  
9 FROM CAMPAIGN CONTRIBUTIONS FROM CITY CONTRACTORS AND FOR  
10 RELATED PURPOSES.

11  
12 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

13 Section 1. Subsection 1-7.5 SFCC 1987 (being Ord. #2005-15, §14, as amended) is  
14 amended to read:

15 1-7.5 Definitions.

16 As used in the Code of Ethics:

17 *Business* means a corporation, partnership, sole proprietorship, firm, or other profit-making  
18 enterprise.

19 *Confidential information* means information which is acquired by a public official or public  
20 employee by reason of his or her public office or public employment, which has not previously been  
21 made public, and which is not required to be made available to the public under the Inspection of  
22 Public Records Act (§§10-15-1 et seq. NMSA 1978).

23 *Conflict of interest* means a specific and identifiable prospect of pecuniary gain or loss, other  
24 than a gain or loss that is de minimis in amount or shared with a substantial segment of the general  
25 public, to any of the individuals or entities here listed from an official act of any public official or

1 employee:

- 2 (1) The public official or public employee who is to perform the official act;
- 3 (2) Any member of his or her family;
- 4 (3) Any business of which he or she or any member of his or her household is an owner;
- 5 (4) Any employer, client or customer from whom the public official or public employee
- 6 knows or reasonably should know that he or she or any member of his or her household or any
- 7 business of which he or she is an owner has received remuneration of more than five hundred dollars
- 8 (\$500.00) during the year preceding the official act;
- 9 (5) Any civic group, labor union, or social, charitable or religious organization of which
- 10 the public official or public employee or a member of his or her household is an officer or director; or
- 11 (6) Any business or any of its owners, if the public official or public employee knows or
- 12 reasonably should know that the business or any of its owners, has made “contributions” or has
- 13 directed the making of “contributions,” as that term is defined in subsection 9-2.3(1) SFCC 1987, to
- 14 the public official's or public employee's campaign for elected office in an aggregate amount greater
- 15 than two hundred fifty dollars (\$250) during the two (2) years preceding the official act. A
- 16 contribution made before March 18, 2014, shall not be counted toward the aggregate total.

17 *Employer, in the case of a person who is employed by a governmental entity other than the*

18 *city, means the governmental department for which the person works.*

19 *Family of an individual means members of the individual's household, his or her children,*

20 *step-children, brothers, sisters, parents, step-parents, domestic partner and all persons claimed as*

21 *dependents on the individual's latest federal income tax return.*

22 *Financial benefit means any money, service, license, permit, contract, loan, travel,*

23 *entertainment, gratuity or any other thing of monetary value or any promise of any of these.*

24 *Governing body means the mayor and the city council.*

25 *Governmental body means the governing body and any board, commission or committee*

1 appointed by the governing body or by the mayor with the advice and consent of the governing body.

2 *Household of an individual* means all persons whose primary residence is in the individual's  
3 home, including non-relatives, who are not rent-payers or employees.

4 *Official act* means an official decision, vote including, but not limited to items on a consent  
5 calendar, recommendation, approval, disapproval or other action which involves the use of  
6 discretionary authority.

7 *Owner of a business* means each of the business's proprietors, partners or holders of more  
8 than two percent (2%) of its outstanding stock.

9 *Public employee* means any exempt, classified, probationary, temporary, term or part-time  
10 employee of the city of Santa Fe except the municipal judge, the city manager, the city clerk, the city  
11 attorney and the members of the governing body.

12 *Public official* means the city manager, the city attorney, the city clerk and any member of a  
13 governmental body, including the governing body.

14 *Subordinate of a public official or public employee* means a public employee over whose  
15 work for the city the public official or public employee has direction, supervision or control. All  
16 public officials and public employees except other members of the governing body are deemed to be  
17 subordinates of each member of the governing body.

18 **Section 2. Subsection 9-2.14 SFCC 1987 (being Ord. #1998-41, §13, as amended) is**  
19 **amended to read:**

20 **9-2.14 Spending Limitations.**

21 A. A candidate may volunteer, to limit the candidate's expenditures to one dollar (\$1.00)  
22 per registered voter in the city for the mayoral or municipal judgeship or one dollar (\$1.00) per  
23 registered voter in the applicable district for the city council election.

24 B. A candidate may volunteer to make no contributions to the candidate's own campaign  
25 or political committee of personal assets that in aggregate exceeds ten percent (10%) of the applicable

1 expenditure limits for the mayoral or municipal judgeship position. A candidate may volunteer to  
2 make no contributions to the candidate's own campaign or political committee of personal assets that  
3 in aggregate exceeds twenty-five percent (25%) of the applicable expenditure limits for the city  
4 council position.

5 C. No candidate for councilor or municipal judge or the candidate's political committee  
6 shall accept contributions from any one individual, entity or organization which in the aggregate  
7 exceed one thousand dollars (\$1000.) in any one election.

8 D. No candidate for mayor or the candidate's political committee shall accept  
9 contributions from any one individual, entity or organization which in the aggregate exceed two  
10 thousand five hundred dollars (\$2,500.) in any one election.

11 E. Contributions from any one individual, entity or organization to any elected official or  
12 his or her election campaign, which in the aggregate exceed two hundred fifty dollars (\$250) during  
13 the two (2) years preceding any official act of the elected official affecting the financial interest of the  
14 contributor, are subject to the conflict-of-interest provisions of subsections 1-7.5 and 1-7.7(L) SFCC  
15 1987.

16 **Section 3. Subsection 9-2.3 (J) SFCC 1987 (being Ord. #Ord. #1998-41, §3, as**  
17 **amended) is amended to read:**

18 J. *Contributor* means:

19 (1) *Individual contributor* means an individual who makes a contribution from  
20 their personal assets which are not those of a business, corporation, partnership, labor  
21 organization, unincorporated association or political committee.

22 (2) *Business or organizational contributor* means an individual who uses the  
23 assets of a business, corporation, partnership, labor organization, unincorporated association  
24 or political committee as a contribution, or any business, corporation, partnership, labor  
25 organization, unincorporated association or political committee which makes a contribution.

1           **Section 4.        Subsection 9-2.11 SFCC 1987 (being Ord. #Ord. #1998-41, §10, as**  
2 **amended) is amended to read:**

3           **9-2.11            Campaign Finance Statement; Contents.**

4            A.        Each campaign finance statement shall be filed in accordance with subsection 9-2.10  
5 SFCC 1987. The initial statement shall begin with the date of the first contribution or expenditure.  
6 Subsequent statements shall begin on the day after the end date of the previous reporting period.  
7 Statements shall contain the following information:

8                   (1)        The funds on hand at the beginning of the period. This shall include the  
9 cumulative total amount of all contributions and expenditures. This includes, but is not  
10 limited to, contributions and expenditures in aid of, or in opposition to, candidates or ballot  
11 propositions before they qualify for the ballot and contributions and expenditures following  
12 the election;

13                   (2)        The full name, home address, occupation, name of employer, date of receipt  
14 and amount of each contribution received from each individual contributor from whom a  
15 contribution in money, goods, materials, services, facilities or anything of value has been  
16 received and whether the contribution was received in cash, by check, by credit card, by  
17 electronic transfer or otherwise;

18                   (3)        The full name, type of business, physical address, date of receipt and amount  
19 of each contribution for each business or organizational contributor, from whom a  
20 contribution in money, goods, materials, services, facilities or anything of value has been  
21 received, and whether the contribution was received in cash, by check, by credit card, by  
22 electronic transfer or otherwise;

23                   (4)        The date of receipt and amount of any anonymous contribution received by  
24 the campaign treasurer or deputy campaign treasurer and the disposition that was made of  
25 each such contribution pursuant to subsection 9-2.9B SFCC 1987, including the date when it

1 was donated to the city or to a charity and the identity of the recipient of the donation.

2 (5) The full name and complete mailing address of each individual or business to  
3 whom an expenditure has been made, the purpose of each campaign expenditure and the date  
4 each expenditure was made. This report shall be itemized with the total amount paid to each  
5 individual or business for the goods, services or facilities provided;

6 (6) The full name of the candidate or political committee and the full name and  
7 complete address of the campaign treasurer or deputy campaign treasurer;

8 (7) For each contributor, the cumulative total of all contributions made; and

9 (8) Where goods, materials, services, facilities or anything of value other than  
10 money is contributed or expended, the monetary value thereof shall be reported at the fair  
11 market value.

12 B. Loans of money, property or other things made to a candidate or political committee  
13 during the period covered by the campaign finance statement shall be reported separately in the  
14 statement, with the following information:

15 (1) The total value of all loans received during the period covered by the  
16 campaign finance statement;

17 (2) The full name and address of each lender, the date of the loan, the interest  
18 rate and the amount of the loan remaining unpaid;

19 (3) The cumulative total value of all loans received; and

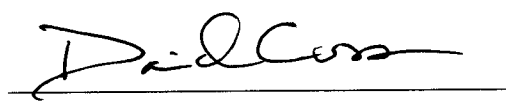
20 (4) The total amount of loans remaining unpaid.

21 C. If a loan has been forgiven or paid by a third person, it shall be reported pursuant to  
22 this section.

23 D. Investments made with campaign funds under subsection 9-2.9 SFCC 1987 and  
24 interest, dividends and/or other income received shall be reported separately in the statement.

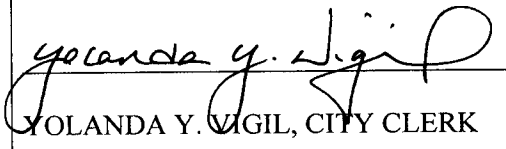
25 PASSED, APPROVED and ADOPTED this 26<sup>th</sup> day of February, 2014.

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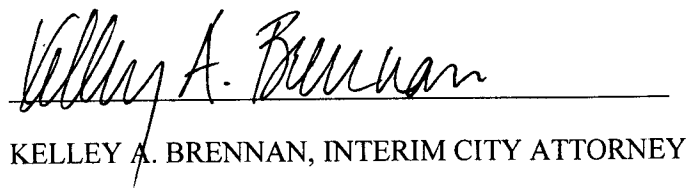


DAVID COSS, MAYOR

ATTEST:

  
YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

  
KELLEY A. BRENNAN, INTERIM CITY ATTORNEY