



Agenda

ARTS COMMISSION
Monday, March 11, 2013
City Councilors' Conference Room
200 Lincoln Avenue
505-955-6707
5 PM

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Presentation: City's Ethic Ordinance by Geno Zamora, City Attorney
5. Approval of Minutes
 - a) February 11, 2013
6. Fiscal Report
7. Report of the Chair
8. Report of the Director
9. Reports and Updates
 - a) Mayor's Award for Excellence in the Arts Awards: Request for approval of guideline changes
 - b) Funding: Request for approval of 2013-14 Grant Panel
 - c) Community Relations and Marketing Committee
 - d) Arts Education Committee
 - e) Community Gallery Update
10. Event Evaluations
11. Adjourn

Persons with disabilities in need of accommodations, contact the City Clerk's office at
955-6520 five (5) working days prior to meeting date

**Index Summary of Minutes
Santa Fe Arts Commission
March 11, 2013**

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Call to Order	Call to Order by Donna Scheer, Acting Chair; at 5:00pm – City Councilor’s Conference Room	2
Roll Call	Roll call indicated a quorum	2
Approval of the Agenda Table approval of minutes for February 11, 2013 and table Item 9B until next meeting	<i>Ms. Sakiestewa moved to approve the agenda as amended, second by Mr. Lovato, motion carried by unanimous voice vote.</i>	2
Presentation – City’s Ethic Ordinance by Geno Zamora, City Attorney	<i>Informational (Exhibit A)</i>	2-3
Approval of the Minutes February 1, 2013	<i>Tabled until next month.</i>	3
Fiscal Report	Informational	3
Report of the Chair	Informational	3
Report of Director	Informational	3
Report and Updates a) Mayor’s Award for Excellence in the Arts Awards – Request for approval of guideline changes b) Funding Request for approval of 2013-14 Grant Panel (tabled until next meeting) c) Community Relations and Marketing Committee d) Arts Education Committee	<p><i>Ms. Sakiestewa moved to approve the proposed guidelines, second by Ms. Pedersen.</i></p> <p>Recommendation to #5 – Prior years’ nominations may only be carried over for 1 year and supplementary information will be requested.</p> <p><i>A friendly amendment was offered by Ms. Pedersen as stated above. Accepted by Ms. Sakiestewa.</i></p> <p><i>Motion to accept the proposed guidelines with staff direction to revise #5 - Prior years’ nominations may only be carried over for 1 year and supplementary information will be requested, second, motion carried by unanimous voice vote.</i></p>	3-6

**Index Summary of Minutes
Santa Fe Arts Commission
March 11, 2013**

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ARTS COMMISSION
Monday, March 11, 2013
City Councilors' Conference Room
200 Lincoln Avenue, Santa Fe, NM
5:00 pm to 6:30 pm

1. Call to Order

The meeting of the Santa Fe Arts Commission was called to order by Acting Chair, Donna Scheer at 4:00 pm. Verbal roll call constituted a quorum.

2. Roll Call

Present:

Donna Scheer, Acting Chair
Kirk Ellis, Present by Phone
Michael Namingha
Anne Pedersen
Ramona Sakiestewa
Todd Lovato
Gabe Gomez
Sande Deitch

Not Present:

Gail Springer

Staff Present:

Debra Garcia y Griego

Others Present:

Geno Zamora, City Attorney
Fran Lucero, Stenographer

3. Approval of Agenda

Table approval of Minutes – February 11, 2013 and Item #9B until next meeting.

Ms. Sakiestewa moved to approve the agenda as amended, second by Mr. Lovato, motion carried by unanimous voice vote.

**4. Presentation: City's Ethic Ordinance by Geno Zamora, City Attorney
Attachment (Exhibit A)**

The City Attorney provided the handout – Ethics and Open Government and dialogued verbally covering each page and item in this document.

5. Approval of Minutes

a. February 11, 2013

Minutes were tabled pending the recorder verifying questions from staff.

6. Fiscal Report

Report indicated they were up 6.5% over last year.

Ms. Sakiestewa asked if we are caught up with back/late payments. Ms. Garcia y Griego will check on the status of this item.

7. Report of the Chair

As per last month's meeting, Mr. Ellis reported that the search for the Directorship position has been concluded and Mr. Jim Luttjohann has announced that Debra Garcia y Griego was the choice for the job. The human resources paperwork is in process and position will be official once this process is complete and the City Manager has approved and signed. Congratulations to Debra on behalf of the Commission and all look forward to a continued working relationship.

8. Report of the Director

The commission was informed that Ms. Bystrom is out on FMLA and should they need any assistance to please contact Ms. Garcia y Griego by e-mail or by phone.

9. Reports and Updates

a. Mayor's Award for Excellence in the Arts Awards: Request for approval of guideline changes

Ms. Bystrom went through the existing guidelines and the process followed in the past few years. Below are the proposed guideline changes the commission was asked to consider:

- 1) Three original letters of support. Letters of support from immediate family members, spouses or partners will not be accepted.
- 2) Individual's resume/biography or organizational history.
- 3) Samples:

For individuals/artists: A maximum of three samples or support materials may be submitted and include the following:

- For visual artists, send CD, DVD or color copies
- For performing artists, send audio CD or DVD.
- For literary artists, visual artists (if applicable), or major contributors, send written examples. Support materials must be on an 8 ½ x 11" page, the standard letter-size, format.

For organizations/businesses: Up to three support samples of contributions or involvement of the business in the arts. Support materials must be on an 8 ½ x 11" page, the standards letter-size, format.

- 4) We cannot accept nominations for individuals or organizations whose primary contribution is directly related to projects, programs or services of the City of Santa Fe and/or the City of Santa Fe Arts Commission. Current City of Santa Fe employees are not eligible.
- 5) Prior years' nominations will not be carried forward; a new nomination must be submitted annually.

Ms. Sakiestewa moved to approve the proposed guidelines, second by Ms. Pedersen.

Recommendation to #5 – Prior years' nominations may only be carried over for 1 year and supplementary information will be requested.

Discussion:

Ms. Pedersen: Basically thinks that these changes are good and expressed that her only concern which is not a big concern but a small concern is #5. Historically speaking they have gotten to the nomination deadline and had very few nominations and have had to go to pass nominations. This will basically require more work from the CRAM committee as what they will probably do is get those nominations which would have otherwise been carried forward and send out letters saying please re-nominate. There will be attrition with no doubt.

Ms. Sakiestewa: In a perfect world you get stellar recommendations but that isn't always the case.

Mr. Namingha: Is there any record on how many times prior nominees got it in the following year?

Ms. Garcia y Griego: Will check in to this. It was noted that there were two that came from the previous year.

After discussion amongst the commission members it was agreed that 1 year would be a sufficient term.

Ms. Garcia y Griego said that the intent of the nominating process is for the community to have an active participation in making suggestions and it also helps bring people that we may not be aware of or we may not know them to the fullest extent.

Ms. Sakiestewa stated that there is a flaw that it is Santa Fe County again and it has limited demographics and there are far too many awards given in an annual year instead of being vetted out.

Ms. Pedersen commented that open nomination process is also an opportunity for the community to get involved and there are many people in the arts community that don't even know about this so it is also an educational process as well.

A friendly amendment was offered by Ms. Pedersen as stated above. Accepted by Ms. Sakiestewa.

Motion to accept the proposed guidelines with staff direction to revise #5 - Prior years' nominations may only be carried over for 1 year and supplementary information will be requested, second, motion carried by unanimous voice vote.

b. Funding: Request for approval of 2013-14 Grant Panel
Tabled

c. Community Relations and Marketing Committee

- The Commission should have received by e-mail the Arts Commission Thank You PSA recording prepared by Todd Lovato. That is running on six Hutton Broadcasting station 5 times a day.
- 25th Anniversary power point for the Mayor's Award dinner is in process for a video and will be posted on You Tube and connected to the Arts Commission website, i.e, City Government channel.
- Arts Commission Facebook page is updated, Debra has posted the 25 year logo and has requested that grantee applicants use that. Todd will put the tag line come support the arts in Santa Fe on the facebook page.
- Ms. Pedersen helped write 10 possible conversational prompts for facebook; Debra is vetting in various formats. We will have Facebook posts for Arts Commission events for 2013.
- Mayor's Awards for nominations - calls for nominations will be released on the 15th of April, deadline for nominations will be June 1st and the committee will meet in early June with a target date of July for the announcement and the dinner is Thursday, August 10, 2013.

d. Arts Education Committee

Gail Springer report via Debra Garcia y Griego: Opening of the Art Works Exhibit in the Gallery was very successful. The show will start to come down in the next 2-days. Great opening with Mayor Coss and the artist, Margaret Bagshaw.

Community Gallery Update – Debra Garcia y Griego on behalf of Rod Lambert Art Works show closed Saturday and the gallery will be closed for 2 weeks to put up Cumulous Skies, Curated by Lawrence Fodor. Opening date is March 22, 2013 – June 7, 2013.

Viva Flora! Treasured Plants of New Mexico, co-sponsored by the Santa Fe Botanical Gardens. June 21 – August 22, 2013

Pop Up Shows at the end of June, 2013.

Staff Follow Up:

Ms. Deitch suggested that for the next agenda – discussion on the University of Art and Design and what can be done for the artist that are there whether they are musicians or whether they are two dimension, three dimensional because they are certainly not involved in the city. Maybe we could do something in the gallery and have a juried show and possibly have people from the community, some of the art teachers or maybe some of the artists themselves jury the show and suggest people. Ms. Garcia y Griego will place this item on next month agenda.

10. Event Evaluations

Michael Namingha: Simulcast of Rigoletto which was well attended probably because of the production; it takes place in Las Vegas, staging with a lot of neon. Attended Parsifal in Palm Springs which was quite entertaining. Attended Valentine’s Day Fund Raiser for the Community Gallery and Partners in Education.

Sande Deitch – Attended NDI and the Valentine Day Dinner fund raiser.

Ramona Sakiestewa: Attended Valentine’s Day Dinner.

Donna Scheer: Attended Theater Work production – Beauty of the Father – completely full.

Anne Pedersen: Attended Art Works at the Community Gallery and it was great. It was a difficult show to curate. Amor at CCA.

Todd Lovato: Attended Art Works, Axle Contemporary has a new exhibit: (no) stalgia by Cannupahanska Luger.

Gabe Gomez – Art Feast, new exhibits and a lot of fun. NDI for NMDS – Serenade that will take place during spring break

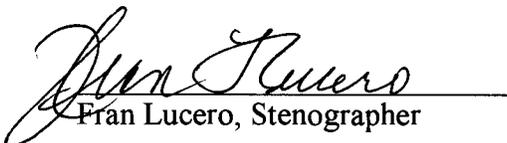
11. Adjourn

There being no further business to come before the Arts Commission, the meeting was adjourned at 6:30 pm.

Signature Page:



Donna Scheer, Acting Chair



Fran Lucero, Stenographer

Ethics and Open Government

Presented to Santa Fe Arts Commission

By the

City Attorney's Office

March 11, 2013

Laws To Be Reviewed

- An overview of the following will be provided, focusing on provisions applicable to municipalities:
 - City of Santa Fe Ethics Ordinance, SFCC § 1-7, et seq.
 - New Mexico Governmental Conduct Act, § 10-16-1, et seq.
 - New Mexico Open Meetings Act (OMA), § 10-15-1, et seq.
 - New Mexico Inspection of Public Records Act (IPRA), § 14-2-1, et seq.

Santa Fe Code of Ethics

- **General Rules**
 - Proper operation of City government requires (§ 1-7.1):
 - That public officials and employees be independent, impartial and responsible to the people
 - That decisions and policy be without conflicts of interest
 - That public office or employment not be used for personal gain
 - That the public has confidence in the integrity of its government
 - Purpose and intent (§ 1-7.2):
 - Standards of behavior for public officials and employees that ensure decisions are made without consideration of personal benefit
 - Provide clear guidance by clarifying acts allowed and prohibited
 - Adopt a code that suits the local concerns and needs

Code of Ethics

- **Conflict of Interest**
 - **Definition (§ 1-7.5): a specific and identifiable prospect of pecuniary gain or loss (not shared with the public) from an official act of any public official or employee to:**
 - **Self or Family member**
 - Family defined as household members, children, step-children, brothers, sisters, parents, step-parents, domestic partner and all persons claimed as dependents on latest tax return.
 - **Business owned by self or household member**
 - **Employer, client or customer**
 - **Non-profit where public official, employee or household member is an officer or director**
 - **Contributor to council or mayoral race in last 2 years (if over \$1,000 for council, or if over \$2,500 for mayor)**
 - **Disclosure (§ 1-7.7(L))**
 - **Method**
 - For member of governmental body, at a public meeting of that body
 - For the City Manager, City Attorney or city Clerk, to the Governing Body at a public meeting
 - For a City employee, to the City Manager
 - **When there is a a conflict, public official or employee shall not perform an official act or attempt to influence another person to perform an official act in a conflicted matter**

Code of Ethics (cont.)

- Gifts (§ 1-7.7(A))
 - General rule: public officials shall not accept gifts or other financial benefits from persons or entities that have a prospect of pecuniary gain or loss from an official act (other than gains or losses shared with a substantial segment of the general public).
 - Exceptions:
 - Occasional meal or non-pecuniary gift less than \$50
 - \$250 limit for Governing Body, City Manager, City Attorney and City Clerk if related to official duties, must report within 10 days and post on website
 - \$250 limit for employees if related to official duties and prior approval by City Manager, must report immediately and post on website
 - Other: certain awards, campaign contributions, commercially reasonable loan, certain real property transactions

Code of Ethics (cont.)

- Honoraria (§ 1-7.7(J))
 - Public official shall not request or receive an honorarium for a speech or service rendered in the performance of his or her official duties
 - Reasonable reimbursement for meals, lodging or travel expenses are permissible
 - Reimbursements shall be reported within 10 days
- Annual Disclosures (§ 1-7.6)
 - Upon election/appointment and each July thereafter public officials and department heads shall disclose:
 - Name, address phone number
 - Employer if other than the City
 - Professional, occupational or business licenses
 - For-profit and non-profit board memberships
 - Businesses owned

Code of Ethics (cont.)

- Representation of Private Interests (§ 1-7.7(C)(3))
 - Governmental Body Members shall not accept monetary compensation to advise, consult or represent on an item before the governmental body, during the term of office or 1 year after.
- Other Important provisions:
 - Quasi Judicial Proceedings
 - Transactions with the City
 - Misuse of confidential information
 - Misuse of City resources
 - Political activity
 - Whistleblower Protection
- Enforcement and Penalties:
 - Code of Ethics enforced by the ECRB (§ 1-7.9)
 - Penalties include public reprimand, fines, recommendation of removal or suspension, referral to the District Attorney (§ 6-16.7)

New Mexico Governmental Conduct Act

- General Rules for public officer or employee (§ 10-16-3):
 - Treat their position as public trust and use powers/resources only to advance the public interests, not obtain personal benefits or pursue private interests
 - Conduct themselves in a manner that justifies the confidence placed in them by the people
 - Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct
 - Make reasonable efforts to avoid undue influence and abuse of office

NMGCA (cont.)

- Political activities (§ 10-16-3.1):
 - No coercion to contribute, vote or participate in political activity, or to make threats
 - No use of governmental property for non-authorized purposes
- Official Acts for personal financial interest prohibited (§ 10-16-3.1):
 - Knowing and willful violation is a 4th degree felony
 - Public officer or employee is disqualified from engaging in any official act directly affecting their financial interest

NMGCA (cont.)

- Other important provisions:
 - Honoraria
 - Confidential information
 - Contracts involving current or former officers or employees
 - Prohibited bidding
- Enforcement and penalties (§ 10-16-14, 17, 18):
 - Enforced by Attorney General or District Attorney
 - Penalties include discipline, dismissal, demotion or suspension
 - Criminal penalties include misdemeanor (unless otherwise specified) and up to \$1,000 fine
 - Civil penalties of \$250 per violation up to \$5,000

Open Meetings Act

- General Rules (§10-15-1(A)):
 - A representative government is dependent upon an informed electorate
 - All persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them
 - The formulation of public policy or the conduct of business by vote shall not be conducted in closed meetings
 - All meetings of any public body shall be public meetings, all persons shall be permitted to attend and listen, reasonable efforts shall be made to accommodate use of audio and video devices

Open Meetings Act (cont.)

- Applicability (§10-15-1(D)):

→ Rolling Quorum ←

- All meetings by of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of a municipality or political subdivision held for the purpose of formulating public policy
- Any meetings at which the discussion or adoption of any proposed resolution, rule regulation or formal action occurs and at which a majority or quorum of the body is in attendance
- Any closed meetings, shall be held only after reasonable notice to the public

Open Meetings Act (cont.)

- Meeting Notices (§10-15-1(D) and (F)):
 - Annual determination by the Body of reasonable notice to the public
 - Notice shall include broadcast stations and newspapers that have provided written request for such notice
 - Shall include an agenda containing a list of specific items of business to be discussed or transacted or information on how the public may obtain a copy of such an agenda
 - Agenda shall be available at least 24 hours before meeting (exceptions for emergencies) (City Resolution requires first agenda posting 72 hours in advance)
- Minutes (§10-15-1(G)):
 - The policymaking body shall keep written minutes of all its meetings including:
 - Date, time and place of meeting
 - Names of members in attendance and absent
 - Substance of the proposals considered and a record of votes
 - Minutes shall be prepared within 10 days, shall be approved at the next meeting with a quorum and are not official until approved by the policymaking body

Open Meetings Act (cont.)

- Exceptions (§10-15-1(E)), with proper notice, the portions of meetings dedicated to the following topics may be conducted in closed session such as:
 - Licenses. Discussion of the issuance, suspension, renewal or revocation of a license, final action in public.
 - Personnel. Discussion of limited personnel matters (hiring, promotion, demotion, dismissal, assignment, resignation, or investigation), final action in public
 - Adjudication. Deliberations in connection with an administrative adjudicatory proceeding
 - Collective Bargaining. Discussion of bargaining strategy preliminary to collective bargaining negotiations
 - Procurement. Certain discussions regarding procurement (sole source over \$2,500 or competitive bids), final action in public
 - Litigation. Attorney-Client privileged discussions regarding threatened or pending litigation
 - Real property and water. Discussion of real property or water right purchase, acquisition or disposal
- Entering closed session: requires a majority vote of a quorum, the subject and authority for closure shall be stated with reasonable specificity in the motion and an individual vote shall be taken in open meeting
 - Scope: Only those subjects announced or voted upon prior to closure may be discussed
- Enforcement and penalties: AG, DA or individual enforcement; penalties include misdemeanor and/or fines, attorneys fees and costs (§10-15-3)

Handwritten notes and signatures: "AG", "DA", and "Individual" with a large checkmark.

Inspection of Public Records Act (IPRA)

- General Rules:
 - All persons entitled to greatest possible information regarding the affairs of Government and the official acts of public officers and employees (§ 14-2-5)
 - Providing persons with information is an essential function of a representative government (§ 14-2-5)
 - Every person has the right to inspect public records (§ 14-2-1(A))
 - City must designate at least one public records custodian (§ 14-2-17)

IPRA (cont.)

- Relevant statutory exemptions (§ 14-2-1(A):
 - Letters or memoranda which are matters of opinion in personnel files (including letters of reference)
 - Certain law enforcement records containing confidential sources, methods, information or individuals accused but not charged with a crime
 - Tactical response plans or procedures that could be used to facilitate the planning or execution of a terrorist attack
 - “As otherwise provided by law”
 - Includes federal, state and local laws and includes judicial decisions
 - Examples include attorney client communications, medical information, financial information, privacy laws, etc.

IPRA (cont.)

- Procedure for Requesting (§ 14-2-8):
 - Oral or written/emailed request (only written request requires response) to the public records custodian containing name address and phone number
 - Request shall identify the records sought with “reasonable particularity”
- Response Timelines (§ 14-2-8):
 - Immediately or as soon as practicable but not later than 15 days
 - Not required to create a record to respond to a request
 - Notice required if taking longer than 3 days
 - Longer deadlines for burdensome or broad requests (§ 14-2-10)
- Denials:
 - Any denials shall be in writing with a description of records sought, person making the denial and shall be delivered within 15 days of the request (§ 14-2-11)
- Enforcement:
 - An enforcement action may be brought by AG, DA or requestor (§ 14-2-12)
- Penalties:
 - Damages up to \$100 per day, costs and attorneys fees (§ 14-2-11)