



Agenda

DATE 4/4/13 TIME 10:00am

SERVED BY Julie Bystrom

RECEIVED BY [Signature]

SANTA FE SISTER CITIES COMMITTEE

Wednesday, April 10, 2013

Santa Fe Community Convention Center
201 W. Marcy Street, Santa Fe, NM 87501
Tesuque Room – 2nd floor
3:00 – 5:00 pm
955-6707

- I. Call to Order
- II. Approval of Agenda
- III. Presentation: City's Ethic Ordinance by Geno Zamora, City Attorney
- IV. Presentation: New Mexico Highlands University Student Proposal - Outdoor Sister City Experience at the Santa Fe Children's Museum by Megan Jacobs, Miles Tokunow and Mimi Roberts
- V. Approval of Minutes
 - a. February 13, 2013
- III. Sister Cities Liaison
 - a. Financial Report
 - b. Zhang Jia Jie International Country Music Festival invitation
 - c. Update - Icheon, Korea - Sister Cities Agreement
- IV. Report of the Committee
 - a. Update on Ambassador's visit from Italy - Carol Robertson Lopez
 - b. Travel and Cultural Exchanges – Jeff Case
- V. Report of Chair
 - a. SF Bike Trail Update
 - b. Report on schedule for Santa Fe Sister Cities Association
- VI. OTHER ITEMS
- VI. Adjournment

** 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 Sister Cities Committee
April 10, 2013**

<u>INDEX</u>	<u>ACTION TAKEN</u>	<u>PAGE(S)</u>
Cover Sheet		1
Call to Order	Call to Order by Chair Gilbert Delgado at 3:10 pm – Tesuque Room, Convention and Visitors Bureau	2
Roll Call	Roll call indicated a quorum	2
Approval of the Agenda Amendment to accommodate City Attorney Zamora and Ms. Mimi Roberts, NMHU Presentation when they arrive. Amendment to introduce and consider Mr. Carl Moore as an Alternate for Cuba.	<i>Mr. Fernandez moved to approve the agenda as amended, second by Ms. Lopez, motion carried by unanimous voice vote.</i>	2
Presentation: City's Ethic Ordinance by Geno Zamora, City Attorney [3:30 pm]	<i>Ethics and Open Government, presented to the Santa Fe Sister City Committee by the City Attorney's Office, April 10, 2013 [power point Exhibit A]</i>	2-3
Presentation: New Mexico Highlands University Student Proposal – Outdoor Sister City Experience at the Santa Fe Children's Museum by Megan Jacobs, Miles Tokunow and Mimi Roberts	<i>No Exhibits although referenced in minutes.</i>	3-4
Approval of Minutes: February 13, 2013	<i>Mr. Rubenstein moved to approve the minutes as presented, second by Ms. Lopez, motion carried by unanimous voice vote.</i>	4
Report of the Liaison a. Financial Report b. Overview of Zhan Jia Jie Country Festival c. Update: Icheon, Korea, Sister Cities Agreement	Informational	4-5
Report of the Committee a. Update on Ambassador's visit from Italy – Carol Robertson Lopez b. Travel and Cultural Exchanges – Jeff Case c. Introduction of Carl Moore as the alternate for Cuba	Informational	5
Report of Chair a. Santa Fe Bike Trail Update b. Report on Schedule for Santa Fe Sister Cities Association	Informational No report on item b.	5-6

**Index Summary of Minutes
Santa Fe Sister Cities Committee
April 10, 2013**

Adjournment	There being no further business to come before the Sister City Committee the meeting was adjourned at 5:05 pm	6
Signature Page		6

SANTA FE SISTER CITIES COMMITTEE

MINUTES

Wednesday, April 10, 2013

Tesuque Room, Santa Fe Convention and Visitors Bureau

3:00 pm to 5:05 pm

- I. Call to Order/Roll Call** – The Chair called the meeting to order at 3:10 pm. A quorum was declared by roll call.

Present:

Gilbert Delgado, Chair

Rudy Fernandez

Cathy Magni

Bernard Rubenstein

Carol Robertson Lopez

Jeff Case

Not in Attendance

Kim Song, Alternate, Excused

Ling Tong, Alternate, Excused

Arthur Olivas, Excused

Others Present

Mimi Roberts, Cultural Affairs Department, Director, Media Projects
(Representing Highlands University Student Project)

Geno Zamora, City Attorney, City of Santa Fe

Staff Present

Julie Bystrom

Anna Serrano for Fran Lucero, Stenographer

II. Approval of Agenda

Mr. Rubenstein proposed to have Carl Moore as an Alternate and representative for Cuba and to have him introduced at the meeting today. It was also recommended that the order of the items on Agenda take place when the presenters arrive; Mr. Zamora and Ms. Roberts.

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

III. Presentation: City's Ethic Ordinance by Geno Zamora, City Attorney [3:30 pm]

Ethics and Open Government, presented to the Santa Fe Sister City Committee by the City Attorney's Office, April 10, 2013 [power point – Exhibit A]

The City Attorney provided the gift limits for committee members and the Mayor.

Ms. Bystrom asked the City Attorney about distinguishing between the Sister City Committee and the Sister Cities Association. City Attorney clearly stated, keep separate. You cannot discuss organization items and committee items at the same meeting. The Association is a private board. It is a conflict and you cannot vote on any items related to the Association. This would result in an Ethics violation. Best guidance is to be mindful on issues and how you act upon them.

Mr. Rubenstein asked about IPRA requests and how they are handled. The City has a Public Record Custodian, all public record requests are sent to her (Bernadette), requests are coordinated through the Staff Liaison and she works with the committee directly to get the correct response.

Chair Delgado asked how does the City safeguard what is not printed? The Freedom of Information Act and noted that any information of business conducted in government is public information.

Thank you to Mr. Zamora for the handout and the presentation.

IV. Presentation: New Mexico Highlands University Student Proposal – Outdoor Sister City Experience at the Santa Fe Children’s Museum by Megan Jacobs, Miles Tokunow and Mimi Roberts

The Chair said that he had a packet of information and that the representatives will bring additional information. [*The Chair did not provide this information for the file.*]

Ms. Mimi Roberts, Director, Media Projects for the Cultural Affairs Department in partnership with the New Mexico Highlands University are working together to train Media Arts. Mayors for Cultural Technology. The Santa Fe Institute of Art turned to Cultural Affairs for help in this project. As students did not attend the Sister City Committee meeting, Ms. Roberts could only make reference to the proposed Power Point Exhibit: *What Makes a City* and answer questions. Proposal is to have this take place at the Museum on Friday. There will be a banner and signs, students developing games for kids, creating a theme for the garden beds according to the different foods. Ms. Roberts said that a new Director started day before this meeting at the Museum.

Mr. Rubenstein asked if the students do their own research. Ms. Roberts said, yes, they do. It was noted that they can put the information in to Wikipedia in any language and the output will reflect the language selected. Each Sister City would be able to access the link in their language. Mr. Rubenstein asked Ms. Roberts to send him additional information. Ms. Roberts will send material and information to Ms. Bystrom, Staff Liaison who will disseminate it to the committee members. Mr. Rubenstein would very much like to send information to cultural contact in Cuba.

Ms. Roberts said that this is the first time the Museum uses text and language; goals are to expand the age range. Ms. Roberts said that they did not create the curriculum.

Ms. Lopez added that the Folk Art Market / Passport Program has a partnership with the Children's Museum who now has a new director, Ms. Shannon Roberts who is on her 3rd day in her new position or would have attended today's meeting.

Chair Delgado would like to set time aside and proposed a special meeting to accommodate the NMHU representatives according to their schedule. More discussion to follow at a later date.

There was discussion regarding funding sources. Mr. Rubenstein asked what information they had used to describe Santa Fe Sister Cities and Ms. Roberts said that they used what was on the website.

V. Approval of Minutes – February 13, 2013

Mr. Rubenstein moved to approve the minutes as presented, second by Ms. Lopez, motion carried by unanimous voice vote.

VI. Report of the Liaison

a. Financial Report

Ms. Bystrom reported that she received and paid an invoice from Mr. Fernandez for \$948.93 for expenses hosting the group from Zhang Jia Jie which has been paid, check provided to Mr. Fernandez. The balance in the Sister Cities account is \$13,469.68.

b. Overview of Zhang Jia Jie International Country Music Festival Invitation

Ms. Bystrom reported that she received the invitation translated from Ling Tong but it did not include a lot of detail. Their website is not up in order to obtain more information to provide to our participants. The Country Music Festival contact group will send additional information to Julie via e-mail with all the specifics. Ms. Bystrom understands that this Festival is in the fall. Ms. Robertson-Lopez said that she would like to go to represent the Sister City Committee. It was noted that Tom McGuire had attended 3-years ago with one of his musical groups. Mr. Rubenstein said that a Folk Group from Northern New Mexico would be great. The Chair said that if expenses are paid that Las Estrellas might be another group to extend the invitation to.

c. Update: Icheon, Korea, Sister Cities Agreement

Ms. Bystrom said that she would keep everyone up to date as she receives more information on the progress of this Agreement. There is so much going on in Korea right now and information is not flowing back as quickly. Ms. Lopez urged the Sister Committee to stay involved and follow up on this relationship and hopefully have the opportunity to attend on their own. It was noted that the Mayor and Mayor Pro Tem would probably go.

Chair Delgado suggested that a Calendar of Events be prepared from other Sister Cities to find out when is a good time to visit and do they have any events that would be of interest to us. The Chair asked Ms. Bystrom how many sister city contact she has to send an e-mail to them.

- Mr. Rubenstein said there is a big festival in May and October. Carl Moore will be attending in May.
- Julie received a call from Julie Kirk, Santa Fe Women's Ensemble. The Ensemble will be travelling to Spain and they will visit our sister city in Granada where they will be performing. Ms. Bystrom will meet with Julie prior to her trip; the city will prepare a Proclamation and greeting letter for Ms. Kirk to carry to Granada, Spain.
- Ms. Bystrom received an e-mail announcing that the Consul General of Ono, Japan and his wife will be meeting with Governor Martinez on April 18th and that information has been forwarded to Mr. Arthur Olivas. The Chair asked if the Mayor has anything in mind on how the Sister City committee could host these people. Ms. Bystrom said that to her knowledge the Mayor is not hosting an event.

The Chair reported that Mayor Coss has written to the Mayor of San Miguel de Allende to follow up with him.

VII. Report of the Committee

a. Update on Ambassador's visit from Italy – Carol Robertson Lopez

The Chair, Ms. Lopez and Ms. Magni will have lunch with the Consul General on Monday. A special dinner has been arranged at Osteria in honor of the Consul General starting at 6:00 pm – price is \$39. This is a great event to be able to make contacts and discuss our relationship with Sorrento.

Ms. Magni said that she will co-chair a special event to promote Sister Cities Sorrento. Logistics still need to be figured out.

b. Travel and Cultural Exchanges – Jeff Case

c. Introduction of Carl Moore as the alternate for Cuba

Welcome to Mr. Moore. The Chair was happy that Mr. Moore could join us today and experience the work of a full agenda and varied items. Mr. Moore said that he will also be travelling to Holguin very soon. Mr. Rubenstein said that it is always good to send a formal greeting when we have representation in any of our Sister Cities. Formal action will be taken at the next meeting, staff liaison will place on agenda.

VIII. Report of the Chair

a. Santa Fe Bike Trail Update

Press Release is being prepared. There will be banners and signs posted. They are expecting really good PR. Mr. Case suggested that we be in contact with other Sister

Cities by e-mail to learn of activities in their cities. We could share our events such as Fiesta, Zozobra, Folk Art Festival, etc. Ms. Bystrom will follow up on this request and report back at next meeting.

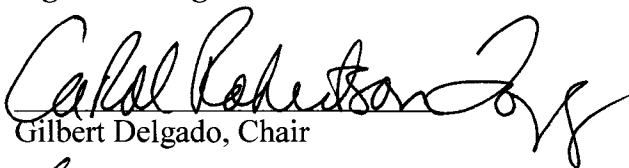
b. Report on Schedule for Santa Fe Sister Cities Association
(not covered at this meeting)

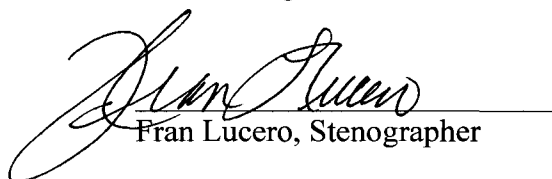
IX. Other Items
None

X. Adjournment

There being no further business to come before the Sister City Committee, the meeting was adjourned at 5:05 pm.

Signature Page:


Gilbert Delgado, Chair


Fran Lucero, Stenographer

Ethics and Open Government

Presented to
Santa Fe Sister City Committee
By the City Attorney's Office
April 10, 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 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)):
 - 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)

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)