



Sandoval County Compliance Office

Luis Robles, Compliance Officer

P.O. Box 40, Bernalillo, NM 87004

(505) 867-7507

ethicsboard@sandovalcountynm.gov

Code of Conduct Complaint _____ [*internally assigned*]

The Sandoval County Ethics Board is authorized to hear complaints against the following:

- current elected officials
- current unclassified employees, volunteers and probationary employees
- restricted donors, contractors and prospective contractors

Under the Sandoval County Ethics Ordinance, Section 7, subsection, part 3, the Ethics Board has no jurisdiction to consider complaints against classified employees of the County. The Sandoval County Compliance Office shall forward complaints against classified employees of the County to the County Manager or County Attorney for disposition as an employee disciplinary matter.

PRINT, COMPLETE AND NOTARIZE THIS COMPLAINT PRIOR TO FILING
(Information detailed in this Report will be shared with the Respondent and is a Public Record)

DATE: _____ NAME OF COMPLAINANT: _____

MAILING ADDRESS: _____ CITY: _____

STATE: _____ ZIP: _____ EMAIL: _____

DAYTIME PHONE: _____ ALTERNATE PHONE: _____

FULL NAME OF RESPONDENT: _____ DATE OF INCIDENT: _____

SPECIFIC SECTIONS OF ETHICS ORDINANCE POTENTIALLY VIOLATED: _____

DESCRIPTION OF ALLEGED MISCONDUCT OR WRONG-DOING: _____

CHECK HERE IF CONTINUED ON SEPARATE SHEET

I, _____, do depose on oath or affirmation and say that the information disclosed herein is true and accurate to the best of my knowledge on this _____ day of _____, 20____.

Signature of Complainant

SUBSCRIBED AND SWORN TO before me this _____
day of _____, 20____ by _____

NOTARY PUBLIC

My Commission Expires _____

ETHICS BOARD JURISDICTION

GENERALLY

Ethics Ordinance, Section 8, Subsection c

“The jurisdiction of the ethics board is limited to acting within the scope of matters covered by [the ethics] ordinance.”

Ethics Ordinance, Section 2

The Ethics Ordinance is “promulgated ... to regulate the conduct of public servants under its control and contractors doing business with the county and prospective contractors.”

Ethics Ordinance, Section 4, Subsection p

Public servants are defined as “elected or appointed officials, employees and volunteers of Sandoval County ...”

Ethics Ordinance, Section 7, Subsection a, part 3

“Complaints alleging a violation by a classified county employee shall be referred by the contract compliance office immediately upon receipt directly to the county manager or county attorney for disposition as an employee disciplinary matter.”

ELECTED OFFICIALS

Ethics Ordinance, Section 4, Subsection e

Elected officials are defined as “the members of the board of county commissioners, sheriff, treasurer, assessor, clerk and probate judge.”

Ethics Ordinance, Section 8, Subsection h, part 3

“Complaints regarding elected officials that are running for an elected office cannot be filed from sixty days prior to the primary election until the date of the primary election and cannot be filed from sixty days prior to the general election until the date of the general election.”

UNCLASSIFIED EMPLOYEES

Sandoval County Personnel Rules and Regulations, Article III(C), (2014)

“Unclassified employees are the following:

1. **Appointees of Elected Officials**

The appointees of the Board of County Commissioners are the County Manager and the County Attorney. The appointees of the Sheriff are the Undersheriff and Executive Assistant. The appointee of the County Assessor, County Clerk and County Treasurer is a Chief Deputy for each elected office. Appointees of elected officials may be allowed to participate in County-sponsored insurance benefits, in the County’s sole discretion, if they meet eligibility criteria. They may also, in the County’s sole discretion, be allowed to accrue and receive retirement benefits in accordance with applicable State statutes and regulation.

2. **Appointees of the County Manager:**

The Appointees of the County Manager are the Assistant County Manager, contract employees and/or other positions determined necessary by the Board of County Commissioners and funded in the County’s budget. Appointees of the County Manager may be allowed, in the County’s sole discretion, to participate in retirement benefits in accordance with applicable State statutes and regulations.

3. **Casual Employees/PRN:**

Casual employees are employees paid on an hourly basis and who are called on short notice on an occasional or irregular basis in a division. Casual employees are paid only for the hours worked. They do not receive or accrue any employee benefits, including but not limited to leave or holiday.

4. **Emergency Hires:**

Emergency hires are employees hired to fill positions for a period not to exceed sixty (60) calendar days, without posting the job, because of an emergency situation and are paid on an hourly basis only for the hours worked. An emergency hire may be extended with the approval of the County Manager for a period not to exceed thirty (30) additional calendar days. Emergency hires do not receive or accrue any employee benefits, including but not limited to leave or holidays.

5. **Temporary Employees:**

Temporary employees are hired for a period of no more than six (6) months. Temporary employment may be extended with the approval of the County Manager for a period of not more than sixty (60) calendar days. Temporary employees do not receive or accrue any employment benefits, including but not limited to leave or holidays

6. Term Employees:

Term employees are hired for a specific period of time to perform a specific service, whose term and conditions of employment are determined by the County Manager. Term employees shall be terminated at the conclusion of the term unless terminated earlier in the sole discretion of the County.

VOLUNTEERS

Ethics Ordinance, Section 4, Subsection s

A volunteer is "any person who is appointed by an individual county commissioner or by a majority of the board of county commissioners to any board, committee or commission for which the individual receives no compensation."

RESTRICTED DONORS

Ethics Ordinance, Section 4, Subsection q

A restricted donor is "[a]ny person or entity who:

- (1) Is seeking official action (i) by an elected or appointed official or volunteer, or (ii) in the case of an employee by the employee or by an elected or appointed official, a county department or an employee's supervisor. Such official actions shall include, but are not limited to, the decisions regarding legislation, employment decisions, contract approval, approval of permits or development plans or any other action or decision that is discretionary with an elected or appointed official or employee;
- (2) Does business with or seeks to do business (i) with the board of county commissioners, the county, an elected or appointed official or volunteer, or (ii) in the case of an employee, with an employee or his/her department, elected office or an employee's supervisor;
- (3) Conducts activities regulated (i) by an elected or appointed official or volunteer, or (ii) in the case of an employee, with the employee or his/her department or the employee's supervisor."

CONTRACTORS AND PROSPECTIVE CONTRACTORS

Ethics Ordinance, Section 4, Subsection b

A contract is "an agreement or transaction having a value of more than \$1,000.00 with the County of Sandoval for:

- (1) The rendition of services, including professional services;
- (2) The furnishing of any material, supplies or equipment;
- (3) The construction, alteration or repair of any public building or public work;
- (4) The acquisition, sale or lease of any land or building;
- (5) A licensing arrangement;
- (6) A loan or loan guarantee; or
- (7) The purchase of financial securities or instruments."

CLASSIFIED EMPLOYEES

Sandoval County Personnel Rules and Regulations, Article I, (2014)

"A 'classified employee' is an employee who is hired into a classified position in the County and who has successfully completed his/her probation. A 'classified position' is any position on the County service that is not specifically designated as unclassified ..."

PROBATIONARY EMPLOYEES

Sandoval County Personnel Rules and Regulations, Article II, Section E, Subsection 2, part a (2014)

"An employee hired to fill a classified position shall serve a trial probationary period of three hundred sixty five (365) calendar days. At the end of the trial probationary period the employee's supervisor shall be responsible for completing an evaluation and (if appropriate) certifying that the employee has satisfactorily completed the trial probationary period ... Upon receipt of such certification, the employee shall become a non-probationary classified employee ..."