



**NEW MEXICO MUNICIPAL CLERKS
CERTIFICATION WORKSHOP**
April 14-15, 2020 - Albuquerque Marriott Uptown

-PRELIMINARY PROGRAM-

“ETHICS/GOVERNMENTAL CONDUCT ACT & SUNSHINE LAWS”

TUESDAY, APRIL 14th

2:00 – 3:00 p.m.

REGISTRATION

3:00 – 3:05 p.m.

WELCOME AND OPENING REMARKS

Presiding:

Georgiana Rael, CMC, President
Clerks & Finance Officers Association (CFOA)
Administrator/Clerk – Town of Red River

3:00 – 5:15 p.m.

ETHICS/GOVERNMENTAL CONDUCT ACT – *Conflict of interest or not a Conflict of interest... that is the question! From this session, you will learn about pertinent subject matter to assist with sorting out issues to determine the right approach and decision to best achieve goals while maintaining professional integrity and ethics. Techniques will be offered for balancing legally supportable against “rightness” issues where they can be used for practical application.*

- Overview of NM Government Conduct Act
- Who is covered by the Act?
- Prohibited Official Acts
- Higher Ethical Standards for Governing Bodies & Clerks
- Ethical Situations that Clerks can find themselves in
- Prohibited Political Activities
- Honoraria or What CAN you accept?
- Disclosure of outside employment
- Prohibited employment
- Confidential information
- Contracts with Public Employees
- Contracts with former Officials, or former Public Officers
- Prohibited bidding
- Sales to Employees
- Secretary of State’s duties
- Who handles Enforcement?
- Criminal & Civil Penalties
- Dealing with inappropriate or illegal requests
- Questions & Answers

Instructor:

Randy Van Vleck, General Counsel, NM Municipal League

WEDNESDAY, APRIL 15th

8:00 a.m. – 12:15 pm

SUNSHINE LAWS (OMA & IPRA) - *Laws requiring certain proceedings of municipalities to be open or available to the public.*

OPEN MEETINGS ACT (OMA)

The Open Meetings Act is, by far, one of the most important laws with which you will need to be familiar as a public officer. It will apply to every meeting you attend and every action you take. The purpose of the OMA is to ensure the public has “the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them,” Section 10-15-1(A) (emphasis added). In accordance with that objective, the OMA sets forth specific requirements for agendas (the subjects to be discussed at the meeting), notices (informing the public of when and where a meeting will take place), and minutes (the synopsis of each meeting and what occurred). All of these requirements are critical because no action of “any board, commission, committee or other policymaking body” is valid unless it complies with OMA’s requirements. Section 10-15-3(A).

- Who is Subject to OMA
- Notices, Agendas and Minutes
- Exceptions and closed sessions
- Consequences for violations/enforcement

INSPECTION OF PUBLIC RECORDS ACT (IPRA)

As a public officer, you should at least have a basic familiarity with the Inspection of Public Records Act, which requires all government agencies to make their public records available to the public. IPRA contains a very broad definition of a public record, covering “virtually all documents generated or maintained by a public entity,” Attorney General’s Inspection of Public Records Act Compliance Guide, p. 26 (8th ed. 2015). Like the OMA, the IPRA contains a variety of specific requirements, time frames, and obligations for the public body.

- Three Critical Definitions
- Procedures
- Costs/Fees
- Denial Letters/Exceptions to Disclosure

Instructors:

John Kreienkamp, Assistant Attorney General
Miguel Lozano, Assistant Attorney General
New Mexico Attorney General’s Office

10:00 – 10:15 a.m.

BREAK

12:15 p.m.

ADJOURNMENT

NOTE: *During sessions, it is requested that cell phone usage be done during breaks to prevent class disturbance. Please be courteous not only to the Instructors, but to the audience, as well.*