



City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

BOARD OF ETHICS & CAMPAIGN PRACTICES

Friday, August 11, 2023

Members Present

John Kelly, Chair
Kristina Caffrey
Sean Cunniff
Joshua Martinez
Jason Marks
Susan Selbin

Others Present

Ethan Watson, City Clerk
Chris Peck, Deputy City Clerk
Adam Leuschel, City Attorney
Cristobal Rocha, Program Admin

MINUTES

I. Acting Chair.

Chair Kelly was not present at the start of the meeting. Member Marks asked member Caffrey to be acting chair. Member Caffrey declined. Member Caffrey moved to nominate Member Marks. Member Cunniff Seconded. Motion approved 5-0. (Chair Kelly joined the meeting later but had technical difficulties with his connection.)

II. Call to order.

The Board of Ethics & Campaign Practices Meeting of August 11, 2023, was called to order by Acting Chair Jason Marks at 9:03 am.

III. Review and approval of agenda for Friday, August 11, 2023.

Chair Marks asked for a motion to approve the agenda. Member Martinez moved to approve the agenda. Member Caffrey seconded. Motion approved 5-0.

IV. Review and approval of minutes from July 14, 2023.

Chair Marks asked for a motion to approve the minutes from July 14, 2023. Member Selbin moved to approve the minutes. Member Cunniff seconded. Motion approved 5-0.

V. Final Office of Internal Audit report on qualifying contributions audit and findings.

Ms. Meske shared with the board a table that identified the number of contributions that were audited and verified. Office of Internal Audit (OIA) was able to identify 190 out of the total 211 randomly selected contributions. Ms. Meske provided examples of direct contact with the contributors, including door hangers and reattempts of contact.

Ms. Meske shared that there were two instances with one candidate where the contributor's residence appeared vacant. The City Clerk's Office worked with that particular candidate to rehabilitate the qualifying contributions. Ms. Meske further shared that when the City Clerks verified the contribution, OIA again went back out to the suspected residence to reattempt the verification, which was successful in both instances. Acting Chair Marks asked if the 21 contributions not contacted were shared among multiple candidates. Ms. Meske answered that is correct.

Acting Chair Marks, on behalf of the Board of Ethics, thanked and commended the Office of the Internal Audit for leading the audit during the qualifying period and providing thorough information to the Board.

VI. Lobbyist ordinance and regulation training.

Mr. Rocha provided an overview training of the Lobbyist ordinance. Mr. Rocha shared a presentation via screen-sharing and stated that there is one ordinance and one article of the City Charter that governs lobbyists in the City of Albuquerque. Mr. Rocha highlighted that the Board of Ethics governing power covers candidates, elected officials, measure finance committees, or lobbyists. Mr. Rocha stated that the intent of the ordinance is to identify professional lobbyists who intend to influence or contribute to public or private discussions with the City of Albuquerque officials and ensure compliance with the ordinance and disclosure to promote transparency in government. A lobbyist must register with the City Clerks office within 48 hours.

Mr. Rocha shared with the board that the City Clerks lobbyist form is a single form that includes the initial registration, annual renewal, quarterly reports, and a notice of termination. Mr. Rocha pointed out the following is not a lobbyist, an owner or employee of the media while gathering news, any elected or appointed office of the state, pueblo or tribe, or a representative of a recognized Albuquerque Neighborhood Association or homeowner association who speaks on the behalf of the association.

Mr. Rocha showed an example of the lobbyist reporting form, which can be found at <https://www.cabq.gov/clerk/documents/lobbyist-reporting-form-as-of-12-2-20.pdf>. After completion, the form is uploaded to the City Clerks campaign finance website. Mr. Rocha shared the annual filing fees at \$25, but these fees have been waived for the last three years. Mr. Watson stated that waiving the fee has been mostly an incentive for lobbyists to register. Mr. Rocha added it may also be the lack of an online fee collection website.

Mr. Rocha continued with an overview of lobbyist compliance. He stated that the process of reviewing for compliance has mostly been the responsibility of the City Clerks office, and rarely does an issue come before the City Attorney or be referred to the Independent Hearing office. The City Clerks office mostly offers voluntary compliance, which has mostly been the case. Member Selbin asked about the use of facial vs. factual. Mr. Rocha explained that the review was only for a general completion, not an in-depth review of the materials submitted.

Mr. Rocha shared the reporting periods. The campaign financing website is where the public, other lobbyists, constituents, and elected officials may review the lobbyist and candidate finance statements. You can view those statements here

<https://campaignfinance.cabq.gov/PublicSite/SearchPages/Search.aspx?SearchTypeCodeHook=C64DE193-8F11-45E9-A969-B3C5A4DC73DA>. If a lobbyist does not change the employers or the issue/efforts the lobbyist must file an annual report.

Mr. Rocha shared that Article XII Section 3 (h) allows the board of ethics to provide advisory opinions to lobbyists and the board has specific dates to follow for compliance. Mr. Rocha stated that Article XII Section 3 (l), offers the board an opportunity to censure a lobbyist.

Mr. Watson added that there is not much activity with compliance but that Mr. Watson would like to align the reporting period with the State. Acting Chair Marks, asked how many lobbyists are registered with the City. Mr. Rocha stated that there are 13 registered lobbyists. Acting Chair Marks asked if there were any violations or issues a lobbyist could do to be referred to the Ethics Board or City Attorney. Mr. Rocha stated that not reporting a separate bank account from other activities and not reporting a client. Mr. Rocha shared that, additionally, there is no a spending limit pertaining to lobbyist activities. Acting Chair Marks stated that this ordinance is mostly a Sunshine Act. Acting Chair Marks asked how the office identifies additional lobbyists. Mr. Watson shared that finding additional lobbyists is primarily a complaint-driven ordinance. Mr. Rocha added that the City Clerks office looks at the Secretary of State lobbyist registration and potentially looks for cross-over with the City.

VII. Discussion of potential additional training for the Board.

Mr. Watson shared that this item was a request from Chair Kelly. Acting Chair Marks moved that the agenda item be tabled. Member Selbin seconded. Motion approved 4-0.

VIII. Other board business

There was no other board business to discuss.

IX. Adjournment.

There being no further business before the Board, Acting Chair Marks asked for a motion to adjourn. Member Martinez moved to adjourn. Member Selbin seconded. Motion approved 4-0. The meeting adjourned at 9:34am.

Approved: _____ Date: _____