

Connect New Mexico Council

2022 RESOLUTION #2

**ESTABLISHING THE CONFLICT OF INTEREST POLICY OF THE
Connect New Mexico Council**

WHEREAS, the Connect New Mexico Council ("Council") met in regular session at a virtual session on June 15, 2022, at 2:00 p.m;

WHEREAS, the Connect New Mexico Council ("Council"), is entrusted to make decisions in the public interest;

WHEREAS, this trust exists by virtue of the confidence the public places in the honesty and integrity of the Council's member and processes;

WHEREAS, a Council member must set aside self-interests, the interests of the member's employer and the interests of any affinity group in connection with a subject within the Council's purview;

WHEREAS, the mere appearance of impropriety by a Council member may damage public trust;

WHEREAS, disclosure of outside interests and, where warranted, recusal from decision making processes of the Council fosters public trust; and

WHEREAS, the public interest is best served when Council members with diverse experience, expertise and perspectives participate in deliberations and decisions on matters before the Council,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL THAT:

1. A Council member is disqualified, and shall recuse his or herself, from voting on any proposed contract or grant, the award of which could, directly or indirectly, economically benefit the member, the member's employer or any affinity group.¹
2. A Council member may not participate in any deliberations concerning a proposed contract or grant award that the member is disqualified from voting on unless the member discloses the potential economic benefit to all other Council members prior to the member's participation in the deliberations.
3. If a Council member fails to disclose a disqualifying economic interest prior to participating in deliberations concerning a proposed contract or award, any vote taken on the matter by the qualified Council members shall be void, subject to re-vote after further Council deliberations excluding the disqualified member.
4. A Council member shall avoid conduct that creates an appearance of impropriety, and shall make those public or private disclosures necessary to eliminate any such appearance.
5. If a Council member has concerns about whether the member has a duty of disclosure or recusal, the Council member shall presume that the member has a duty to disclose and is disqualified, unless the member seeks and obtains contrary advice and directions from the New Mexico Attorney General. A member shall not seek legal advice concerning the matter from legal counsel of the Department of Information and Technology.

¹ For purposes of this resolution, an affinity group is any generally recognized subset of the general population of New Mexico, or of any sovereign within New Mexico's borders, of which the member belongs, represents, advises or receives benefits from.

6. There is a presumption of integrity, honesty, and impartiality on behalf of all Council members. This presumption is not overcome by a mere appearance of a conflict or failure to disclose. A person who seeks to disqualify a member from a particular matter bears the burden of showing an actual disqualifying conflict or action.

ADOPTED BY THE CONNECT NEW MEXICO COUNCIL THIS 15TH DAY OF JUNE,
2022.

Kimball Sekaguaptewa
Interim Chair