

**Resolution 2025-010**

**A RESOLUTION FOR PROHIBITION AND DISCLOSURE OF FINANCIAL INTERESTS  
AND CONFLICTS OF INTEREST**

**WHEREAS**, the Town of Edgewood seeks to foster and maintain transparency while conducting Town business, creating policy, and undertaking the day-to-day operations of the Town; and

**WHEREAS**, elected officials, appointed officials, and heads of departments must disclose personal interests, financial or otherwise, in matters of the Town and to remove themselves from decision making when such interest exist; and

**WHEREAS**, elected officials, appointed officials, and heads of departments of the Town are bound to uphold the Constitution of the United States, the New Mexico Constitution, and federal, state, and local laws; to adhere to the highest standards in the exercise of powers and duties of office or employment; to impartially carry out their duties; to discharge their duties of office regardless of personal considerations; and to recognize that public interest must be the prime objective; and

**WHEREAS**, public service is a civic duty, a foundational concept in democratic societies, and those serving must demonstrate a commitment to the betterment of the Town without personal, political, or family gain; and

**WHEREAS**, the Town's definition of family is: An individual's spouse, domestic partner, parent, child, sibling, and like in-laws, by consanguinity or affinity, and persons, related or unrelated, living within the household; and

**WHEREAS**, the Town's definition of immediate family is: A spouse, domestic partner, child, child of a sibling, a parent, a grandparent, a grandchild, like in-laws, and like step-children; and

**WHEREAS**, the Town's definition of financial interest is: Any interest of an elected official, an employee, or an appointed official that is: (1) an ownership interest or other interest in any contract or prospective contract with the Town; (2) an interest in the sale of real or personal property to or from the Town; (3) a financial relationship with a person or business whose interests may be affected by the Town; (4) any employment or prospective employment for which negotiations have already begun where the prospective employer has an interest in the sale of real or personal property from the Town; or (5) any other interest that may be affected by the Town. For the purposes of this Resolution, an interest shall be one either as owner, part owner, partner, or shareholder, in which such individual owns more than two percent of the outstanding stock or more than two percent of the ownership interest of any other business that is doing business with the Town in an amount in excess of \$1,500 annually. An interest held by the elected official's spouse or minor children shall be considered an interest of the elected official, appointed official, or employee for the purposes of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Town of Edgewood, New Mexico, that:

Public Trust

- A. Elected officials, appointed officials, and heads of departments shall act according to the highest principles of representative democracy to ensure that Town government is worthy of public respect, trust, and support.
- B. Elected officials, appointed officials, and heads of departments shall not engage in conduct that they know or reasonably should know is likely to create in the minds of reasonable, objective, fair-minded observers the perception that they have used their public positions improperly, unethically, or otherwise have not conducted themselves in accordance with the standards of conduct of this chapter.
- C. Elected officials, appointed officials, and heads of departments shall not provide or disseminate to the public any information or data which they should reasonably know to be untrue, inaccurate, or misleading. It is incumbent upon elected officials, appointed officials, and heads of departments to correct such information as quickly as reasonably possible.
- D. It is a violation of this chapter for elected officials and appointed officials to knowingly violate their own rules of procedure or any other law or Resolution.

Conduct Avoiding Impropriety

- E. Elected officials, appointed officials, and heads of departments shall avoid conduct that creates the appearance of impropriety or that is otherwise unbecoming a public official. An impropriety can mean misconduct or behavior that demonstrates an unethical process or improper influence.
- F. Elected officials, appointed officials, and heads of departments shall not knowingly engage in conduct that violates the rights of others to be treated fairly.
- G. Elected officials, appointed officials, and heads of departments shall refrain from engaging in conduct, even if lawful, where personal gain or advantage is involved in a way that creates a reasonable inference that such office has been used for private benefit.

Prohibited Financial Interest in Town Business

- H. No elected officials, appointed officials, or heads of departments may have a financial interest if the elected official, appointed official, or employee is in a decision-making capacity with respect to the financial interest.
- I. Elected officials, appointed officials, and heads of departments who have any financial interest shall disclose such interest by filing a disclosure of interest and recording the same with the Town Clerk-Treasurer and by disclosing the interest as otherwise provided in this chapter or by law and shall thereafter be disqualified from participating in any debate, decision or vote relating thereto.

### Conflict of Interest, Disclosure

- J. Elected officials, appointed officials, and heads of departments shall strictly avoid transactions and relationships that create a conflict of interest. Where a conflict of interest is unavoidable, the elected official, appointed official, or employee shall disclose the conflict of interest and shall subordinate the conflicting interest to the public interest, and the disclosure shall be recorded by the Clerk-Treasurer as part of the minutes of the meeting at which the disclosure is made.
- K. Elected officials, appointed officials, and heads of departments shall exercise their duties, powers and prerogatives without prejudice or favoritism to hire, promote, or simply to reward family members, relatives, friends, or political supporters, or to hinder or punish enemies and opponents.
- L. Elected officials, appointed officials, and heads of departments shall assure that constituents and others who may be affected by decisions of the Town have a fair and reasonable opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide benefits or political support to the elected official, appointed official, or employee.
- M. Elected officials, appointed officials, and heads of departments shall not engage in any conduct that could create in the mind of a reasonable observer the belief that persons will receive better or different services if gifts, personal benefits or political or charitable contributions are provided.
- N. Elected officials, appointed officials, and heads of departments shall not solicit or receive gifts, personal benefits, favors, gratuities or political or charitable contributions, or anything of value under circumstances that create a reasonable belief that special access, services, favors, or official or unofficial actions will be provided as a result. Nor may anything of value be solicited or received from a person or business doing business with the Town, contracting with the Town, regulated by the Town, has an application pending before the Town, or whose interests may be affected by the Town.
- O. Elected officials, appointed officials, and heads of departments shall not accept anything of value from a person, business, or other entity when the elected official, appointed official, or employee knows or reasonably should know that said person, business, or entity does any business with the Town, desires to do business with the Town, contracts with the Town, is regulated by the Town, has an application pending before the Town, or whose interests may be affected by the Town.

### Disclosure

- P. All elected officials, appointed officials, and heads of departments shall be required to file a statement of economic interest with the Town Clerk-Treasurer on a form provided by the Town, as follows:
  - a. Elected officials shall file a statement of economic interest no later than the last Tuesday in January of each year;
  - b. Candidates for a Town of Edgewood municipal office who have not already filed a statement of economic interest in the same calendar year

shall file such statement upon submission of a declaration of candidacy for the municipal election; and

- c. Appointed officials and heads of departments shall file a statement of economic interest at the time of filing an application for consideration of appointment and no later than the last Tuesday in January of each year.

Q. Statements of economic interest shall include the following information:


- a. A description of all parcels of real estate within the Town in which the person owns any interest including an option to purchase;
- b. All interests in any business organization, either as owner, part owner, partner, or shareholder, in which such individual owns more than two percent of the outstanding stock or more than two percent of the ownership interest of any other business that is doing business with the Town in an amount in excess of \$1,500 annually.
- c. Any person required to file a statement herein shall be required to file an amended statement whenever a change in that person's economic interests would require disclosure pursuant to this section. Such persons shall file the amended statement in the manner prescribed above within 30 days of the date of any change in circumstances requiring filing thereof.
- d. All persons required to file a statement hereunder shall comply with the provisions of this section as both a condition to serving in the capacity of an elected or appointed official and to remain eligible to serve in such capacity for the duration of the person's term of office or appointment.

SEVERABILITY CLAUSE: Should any section, paragraph, clause, or provision of this Resolution be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution. The Governing Body of the Town of Edgewood hereby declares that it would have passed this Resolution and each section subsection, sentence, clause, word, or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words, or phrases being declared unconstitutional or otherwise invalid.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Town of Edgewood, New Mexico, this 28<sup>th</sup> day of January, 2025.

APPROVED:

Attest:   
Michelle Jones, Clerk/Treasurer

  
Kenneth Brennan, Mayor

