

From: Common Cause New Mexico

October 26, 2023

To: The Honorable Members of the Albuquerque Public School Board

Yolanda Montoya-Cordova, President  
Peggy Muller-Aragon, Vice President  
Danielle Gonzales, Chair, Policy Committee  
Barbara Petersen  
Crystal Tapia-Romero  
Josefina Dominguez  
Courtney Jackson

Dear Members of the APS Board:

It has come to our attention at Common Cause New Mexico that the APS Board is considering a revision to its Governance Manual, which covers ethical conduct of board members, a subject of continuing interest to us, and many members of the public who count on the integrity and ethical behavior of elected officials.

Since its founding in 1970, Common Cause has been dedicated to restoring public trust by building a fair, open and accessible democracy, free from the influence of special interests and the corrosive power of money in politics.

We are disappointed that the Policy Committee of the APS Board is reportedly seeking to remove a requirement in the draft Board of Education Governance Manual that requires board members to recuse themselves from voting on issues if they have received contributions of more than \$1,000 from individuals or entities affected by the outcome. This common-sense provision is needed to maintain public trust in elected officials charged with making policy for our most precious and vulnerable citizens—our children. We request that you re-insert it at your next board meeting.

This request is not based on distrust of the board or other elected officials. We assume that the vast majority of elected officials are hard-working and ethical. Yet, unfortunately, the perception that elected officials do not want to be bound by best practices to prevent conflicts further erodes public confidence in all elected officials. And, as we have seen, the “honor system” does not always work. That is why we were the key advocate of the NM Ethics Commission, which does not have direct jurisdiction over local school boards, but sets the pace for ethical standards.

We are gratified that your proposed policy requires full disclosure of real or potential conflicts of interests and holds APS Board members to the NM Gift Act and the NM Governmental Conduct Act. But we urge you to comply with the spirit—as well as the letter, of these ethics laws—and include a provision for recusal as you did in the draft version of your Governance Manual.

As a point of reference, you might note the Bernalillo County Code of Conduct which restricts contributions from restricted donors (who do business with the county) to less than \$1,000 and (Section G 4) requires that “any public official while acting in a quasi-judicial, legislative or adjudicative role shall disclose potential conflicts of interest and shall disqualify themselves from participating in any official act including any substantive discussion or vote. Any elected official may ask guidance on potential conflicts of interest from the county attorney, compliance officer or seek an advisory opinion from the board of review.”

Thank you for your consideration of this request. Please feel free to contact us with any questions at [hferguson@commoncause.org](mailto:hferguson@commoncause.org) or 505-980-9086.

Sincerely,

Heather Ferguson, Director of State Operations  
Common Cause

*Common Cause is a nonpartisan grassroots organization dedicated to upholding the core values of American democracy. We work to create open, honest, and accountable government that serves the public interest; promote equal rights, opportunity, and representation for all; and empower all people to make their voices heard as equals in the political process.*

