

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



RAÚL TORREZ
ATTORNEY GENERAL

OPEN MEETING ACT COMPLAINT FORM

Under the Open Meetings Act (“OMA”), the Office of the Attorney General (“OAG”) has the discretion and authority to enforce the OMA’s provisions. NMSA 1978, § 10-15-3(B). Generally, the OAG reviews and issues determinations regarding whether public agencies have violated the OMA. All OMA complaints submitted to the OAG, including any attached materials and any correspondence regarding those complaints, are public records subject to public inspection. Additionally, OMA complaints and determinations from the OAG may be posted on our website.

All complaints submitted to the Office of the Attorney General will be reviewed for potential OMA violations. The OAG may dismiss those complaints that fall outside OMA’s purview and those for which no remedy is available under OMA, or forward OMA complaints to another appropriate agency for resolution. Please note that the OAG does not represent complainants in suits against public bodies.

OPEN MEETING ACT (“OMA”) COMPLAINT FORM

New Mexico Office of the Attorney General

Open Government Division

Your Contact Information:

First Name: _____ Last Name: _____

Address: _____

City: _____ State: _____ Zip Code _____

Phone Number: _____

Email: _____

Name of Public Body that is the Subject of this Complaint (including city/town, district, county or region, if applicable):

Specific date(s) of OMA violation(s): _____

ALLEGED VIOLATIONS OF THE OMA BY THE PUBLIC BODY: Please select from the following list the violations you allege the public body committed. Check all that apply.

DEFICIENCIES IN NOTICE OF THE MEETING

Notice did not comply with the deadlines or procedures for meeting notices adopted by the public body, or with the reasonable notice requirement in the OMA

Notice did not include date, time, and/or location of the meeting

Notice was not published or posted in a place and manner accessible to the public

Notice did not include an agenda or information on how the public may obtain a copy of the agenda

A meeting was reconvened by the public body, but notice of the date, time, and place of the reconvened meeting was not placed on or near the door of the place where the original meeting was held or in at least one other location appropriate to provide public notice

AGENDA

Agenda was not available seventy-two (72) hours prior to the meeting

- Agenda did not include a list of specific items the public body intended to discuss or transact at the meeting or the items listed and acted upon were not listed with reasonable specificity
- Public body took action on items that were not listed on the agenda

- In a reconvened meeting, the public body discussed or took action on items not appearing on the agenda of the original meeting

MINUTES

- The minutes did not contain the date, time, and/or place of meeting, the name of all members of the public body attending the meeting and those absent
- The minutes did not contain a description of the substance of all proposals considered during the meeting or a record of any decisions made and votes taken
- A draft copy of the minutes was not available within ten (10) working days of the meeting
- The minutes were not approved, amended, or disapproved at the next meeting where a quorum of the public body was present

CLOSED MEETINGS

- The public body did not follow the required closing procedures to close a meeting (*e.g.*, did not list the items they were going to discuss in the motion to close, or the motion to close did not contain the provision of law permitting the closing of the meeting)

- The public body closed the meeting to discuss an issue not covered by one of OMA's exceptions

- Matters not stated in the motion to close were discussed in the closed session.
- Final action was taken by the public body in the closed meeting

CONDUCTING/DISCUSSING BUSINESS OUTSIDE OF AN OPEN MEETING

- A quorum of the public body formulated policy, discussed public business, or took action outside of an open meeting

- A "rolling quorum" was used to discuss public business (*i.e.*, a quorum may exist even when the members are not physically present at the same place, such as discussing public business in a series of telephone or email conversations)

- A committee was created by the public body that constitutes a policymaking body that formulated recommendations that were binding on the public body or otherwise established policy for the public body, outside of an open meeting

