

NMSA 1978
§§10-15-1 TO 10-15-4 AND
§§14-2-1 TO 14-2-12

NEW MEXICO OPEN MEETINGS ACT & INSPECTION OF PUBLIC RECORDS ACT

KNOWN AS THE “SUNSHINE LAWS”

- **All persons are entitled to the greatest possible information** regarding the affairs of government and the official acts of those who represent them.
- The formation of public policy or the conduct of business by vote **shall not be conducted in closed meetings**.
- **All meetings of a quorum of members** of any board or commission, held for the purpose of formulating public policy, discussing public business, or for the purpose of taking any action within the authority of the commission **are declared to be public meetings open to the public at all times**, except as otherwise provided by law. See §10-15-1(B)
- Under IPRA, the law requires **open access to almost all public records** in state and local government, with few exceptions.

OMA - REQUIREMENTS FOR A PUBLIC MEETING

Quorum

- A majority of the appointed members

Notice

- No less than ten (10) days before meeting (per LAC Resolution 25-01)
- Adoption of Calendar

Agenda

- Available at least seventy-two (72) hours prior to meeting
- Must identify the business to be discussed or transacted

Minutes

- Must include the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted.
- All minutes are open to public inspection.
- Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present.



PUBLIC MEETING & PUBLIC BUSINESS

WHAT IS A “PUBLIC MEETING”?

WHEN IS A BOARD CONDUCTING “PUBLIC BUSINESS”?

WHAT IS AN “OPEN MEETING” ?

“**All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency or any agency or authority of any county, municipality, district or political subdivision,** held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or taking any action within the authority of or the delegated authority of any board, commission or other policymaking body **are declared to be public meetings open to the public at all times,** except as otherwise provided in the constitution of New Mexico or the Open Meetings Act [Chapter 10, Article 15 NMSA 1978]. ...”

NMSA 1978, Section 10-15-1(B)

WHAT IS PUBLIC BUSINESS ?

“All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency or any agency or authority of any county, municipality, district or political subdivision, **held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or taking any action within the authority of or the delegated authority of any board, commission or other policymaking body** are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act [Chapter 10, Article 15 NMSA 1978]. . . .”

NMSA 1978, Section 10-15-1(B)



QUORUM

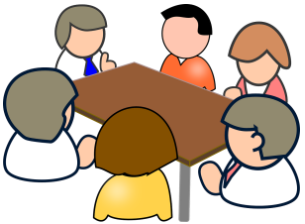
WHAT CONSTITUTES A QUORUM?

QUORUM

- **County Code Ordinance §8-8.** - “No business shall be conducted by a county board or commission in the absence of a quorum. The only actions a board or commission may undertake in the absence of a quorum are to set the time and date of the next meeting, attempt to achieve a quorum by contacting absent members, and to adjourn.”
- **Quorum:** A simple majority of the total number of **appointed** voting members of a board or commission.
- **County Code Ordinance §8-82** The library board will consist of five members..

OMA - “ROLLING” OR “WALKING” QUORUMS PROHIBITED

- A quorum may exist, for purposes of the Act, even when members are not physically present together at the same time and place.



- **Example:** 4 members of a 7-member Board discussing public business in a series of telephone or email conversations. Such discussion is a meeting of a quorum. The use of a rolling quorum to discuss public business or take action is a violation of the Act because it constitutes a meeting of a quorum of the Board outside a properly noticed public meeting.





NOTICE

WHAT IS THE REQUIRED NOTICE FOR MEETINGS?

COUNTY NOTICE REQUIREMENTS FOR OPEN MEETINGS

- OMA - “Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. **The affected body shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body.** That notice shall include broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice.” NMSA 1978, § 10-15-1(D)(2022).
- Current County Resolution is **Resolution No. 25-01**

COUNTY RESOLUTION 25-01

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 25-01

A RESOLUTION ESTABLISHING MINIMUM STANDARDS OF REASONABLE NOTICE TO THE PUBLIC FOR ALL MEETINGS OF THE COUNCIL, COUNTY BOARDS, COMMISSIONS, AND OTHER PUBLIC BODIES CREATED BY THE STATE AND THOSE APPOINTED BY THE COUNCIL (COLLECTIVELY “APPOINTED COUNTY COMMITTEES”)

All meetings of a quorum of an Appointed County Committee shall be open to the public except where specifically provided for in the State of New Mexico’s Open Meetings Act, NMSA 1978 §10-15-1, and as provided herein. Appointed County Committees are defined as the Boards, Commissions, Committees, Task Forces, etc., that are created by State Statute, County ordinance, or through formal Council action, and include but are not limited to the following:

- Art in Public Places Board
- Board of Adjustment (formerly Variance Board)
- Board of Appeals
- Board of Public Utilities
- DWI Planning Council
- Environmental Sustainability Board
- Historic Preservation Advisory Board
- Library Board
- Lodgers’ Tax Advisory Board
- Los Alamos County Health Council
- Nuisance Code Implementation Review Task Force
- Parks and Recreation Board
- Personnel Board
- Planning and Zoning Commission
- Transportation Board
- Valuation Protest Board

B - Open Meetings Act Presentation

RESOLUTION NO. 25-01: NOTICE OF REGULAR AND SPECIAL MEETINGS

Notice of **regular meetings** of all Appointed County Committees shall be given no less than ten (10) days in advance of the meeting date. The notice may include an agenda for the meeting or indicate how a copy of the agenda may be obtained. An agenda shall be available at least seventy-two (72) hours prior to the meeting. All meetings of each Appointed County Committee shall be held at the time and at the place indicated in the meeting notice. Each Appointed County Committee may adopt a schedule of its regular meetings for the present calendar year or the balance thereof. Such a schedule shall contain the date, time, and place of each regular meeting. For purposes of Paragraph V of this Resolution, notice of all regular meetings contained in such schedule is met if a copy of the schedule is posted and provided to the media as provided for in Paragraph V of this Resolution; provided, however, that Appointed County Committee must still post and provide to the media a copy of the agenda prior to each regularly scheduled meeting as required under this Resolution. All agendas shall be posted on the County's website, provided the website is operational during the period of seventy-two (72) hours prior to the meeting.

Special Meetings may be called by the Chair or a majority of the members of the Council or respective Appointed County Committee upon at least seventy-two (72) hours' notice. The notice shall include an agenda for the meeting or information to indicate how a copy of the agenda may be obtained. An agenda for the meeting shall be available to the public and posted on the County's website at least seventy-two (72) hours before any special meeting, provided the website is operational during the period of seventy-two (72) hours prior to the meeting.

RESOLUTION NO. 25-01: NOTICE (POSTING) REQUIREMENTS

For the purposes of **regular meetings** described in Paragraph II of this Resolution, **notice requirements are met if notice of the date, time, and place is posted in a conspicuous place in the vicinity of the front door of the Municipal Building located at 1000 Central Avenue, Los Alamos, New Mexico and visible from the exterior of the building, as well as being posted on the County's website, provided the website is operational.** Copies of the notice shall be provided to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings for the coming calendar year. Only one such written request shall be required for each calendar year.

For the purposes of **special meetings** described in Paragraph III of this Resolution, **notice requirements are met if notice of the date, time, place and agenda is posted in a conspicuous place in the vicinity of the front door of the Municipal Building at 1000 Central Avenue, Los Alamos, New Mexico and visible from the exterior, as well as being posted on the County's website, provided the website is operational.** Copies of the notice shall be provided to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings for the coming calendar year. Only one such written request shall be required for each calendar year.



AGENDA

THERE MUST BE A PUBLISHED AGENDA FOR ALL MEETINGS

WHAT IS REQUIRED FOR A MEETING AGENDA?

“Meeting notices shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such an agenda. Except in the case of an emergency or in the case of a public body that ordinarily meets more frequently than once per week, at least seventy-two hours prior to the meeting, the agenda shall be available to the public and posted on the public body’s web site, if one is maintained.” A public body that ordinarily meets more frequently than once per week shall post a draft agenda at least seventy-two hours prior to the meeting and a final agenda at least thirty-six hours prior to the meeting. Except for emergency matters, a public body shall take action only on items appearing on the agenda.”

NMSA 1978, Section 10-15-1 (F) (2022)

OMA - MEETING MUST FOLLOW THE PUBLISHED AGENDA



- Only items listed on the published agenda may be discussed by the Board
- Items listed on the agenda should only be within the Board's authority (County Code Ordinance §8-83):
- Duties and Responsibilities:

1) Review and recommend to council written public policies to support the purpose, goals and objectives of the library including the collection development policy, which authorizes the library manager and qualified staff to select all books and materials.

2) Ensure that library policy states and supports the intellectual freedom of all residents and provides a well-defined public challenge policy and procedure to protect the library from censorship threat.

3) Gather and provide public input on:

- a. Ways and means for improving library services and programs;
- b. The development of library service objectives and the library's long-range plan; and
- c. Recommendations for methods and schedules for reviewing library programs and services.

For these purposes, the board shall gather public input in ways appropriate to the circumstances, which may include public hearings dedicated to specific topics.

4) Review all library and library-related matters submitted to the board by council.

AGENDA FORMAT

- LOS ALAMOS COUNTY
BOARDS AND
COMMISSIONS
PROCEDURAL RULES
(rev. 2024)
- Covers all Boards &
Commissions
- General Format

Exhibit A:



LOS ALAMOS

Sample Agenda

Name of B&C

Location of Meeting

Date and time of Meeting

- I. CALL TO ORDER/ROLL CALL**
- II. PUBLIC COMMENT** (Can be limited to ____ minutes per person)
- III. PUBLIC HEARINGS**
(if applicable)
- III. B&C BUSINESS**
 - A. Approval of B&C Minutes
 - B. Chairman's report
 - C. (List other topics)
- IV. B&C/ STAFF COMMUNICATIONS**
 - A. Action Items
(List individual items)
 - B. Staff Reports

POSTING OF AGENDAS

- “Agendas for all board or commission meetings will be posted in accordance with the Council’s annual Open Meetings Resolution.” LAC *Boards & Commission Procedural Rules*.
- **Resolution 25-01. Section V(A)** - For regular and special meetings – Notice shall be posted in “conspicuous place in the vicinity of the **front door of the Municipal Building** located at 1000 Central Avenue, Los Alamos, New Mexico and visible from the exterior of the building, as well as being **posted on the County’s web site** provided the web site is operational. Copies of the notice shall be provided to those broadcast stations licensed by the Federal Communications Commission **and newspapers of general circulation** which have made a written request for notice of public meetings for the coming calendar year. Only one such written request shall be required for each calendar year.”



MEETING MINUTES

WHEN, WHO, AND WHAT

MEETING MINUTES

“The board, commission or other policymaking body shall keep **written minutes of all its meetings.** The minutes shall **include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted.** All minutes are open to public inspection. Draft minutes shall be **prepared within ten working days** after the meeting and shall be **approved, amended or disapproved at the next meeting where a quorum is present.** Minutes shall not become official until approved by the policymaking body.”

NMSA 1978, § 10-15-1(G)(2022)

FAILURE TO COMPLY WITH OMA -INVALID ACTIONS AND PENALTY

No action of a board shall be valid unless taken or made at a meeting held in accordance with the requirements of the OMA.

It is the members of the board that are responsible for compliance with the OMA, not the County as an entity.

Any person violating any of the provisions of the OMA is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense

IPRA – INSPECTION OF PUBLIC RECORDS



- Every person has a right to inspect public records of this state except as specifically limited by law.
- All persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees.
- “Public Records” means **all** documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and **relate to public business**, whether or not the records are required by law to be created or maintained;

GETTING MORE INFORMATION...

- You can obtain more information at:
 - New Mexico Attorney General's Office- <https://www.nmag.gov/oma-and-ipra-nm-sunshine-laws.aspx>
 - County Attorney's Office