

§§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 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 21-01)

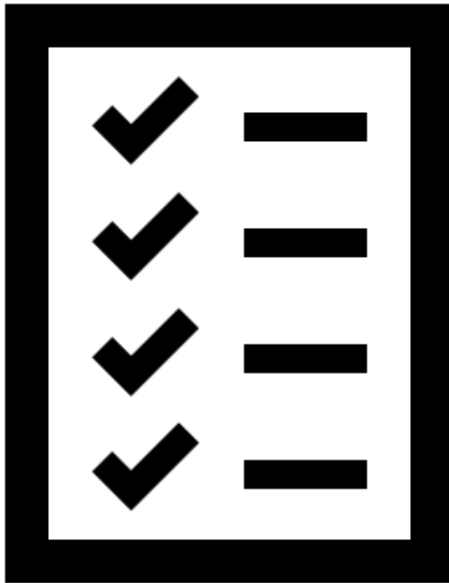
Agenda

- Available at least seventy-two (72) hours prior to meeting
- Must include specific items of 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.

OMA - MEETING MUST FOLLOW THE PUBLISHED AGENDA



- Only items listed on the published agenda may be discussed by the Board
- Public Comment
- Items for next meeting
- Ability to schedule Special Meeting

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.



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