

STATE OF NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL



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September 14, 2016

**SENT VIA ELECTRONIC MAIL**

Deborah Boyer  
P.O. Box 224  
Reserve, NM 87830  
Email: [hounddog@gilanet.com](mailto:hounddog@gilanet.com)

**RE: Inspection of Public Records Act Complaint**

Dear Ms. Boyer:

This letter addresses the complaint that you filed with the Office of the Attorney General alleging that the County of Catron County ("CCC") violated of the Open Meetings Act ("OMA"), NMSA 1978, Sections 10-15-1 to -4 (2013), during its various meetings between August 5, 2013 and May 2, 2016 by not complying with OMA.

As detailed in your correspondence of August 31, 2016, you state that you wish to withdraw your complaint against CCC. As such, we consider this matter closed. Thank you for affording our office this opportunity to be of assistance.

Sincerely,

A handwritten signature in blue ink that reads "Dylan K. Lange".

Dylan K. Lange  
Assistant Attorney General

cc: County of Catron

OPEN MEETING ACT ("OMA") COMPLAINT FORM 2016 AUG 12 AM 8:28  
New Mexico Office of the Attorney General  
Open Government Division

**Your Contact Information:**

First Name: Deborah Last Name: Bayer

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Phone Number: [REDACTED]

Email: [REDACTED]

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

Specific date(s) of OMA violation(s): July 14 2016, August 11, 2016

**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

**DETAILED EXPLANATION OF ALLEGED OMA VIOLATIONS:** Please provide a description of the actions taken by the public body that violated the OMA, including specific dates and times, and why you believe the OMA has been violated.

The Catron County Commission is not posting agendas in places convenient to the public. Catron County is a very large county and ~~the~~ the only place you can find a posted agenda is at the Court House. Well if you live in Oremado or Datil between 50-75 miles from the Court house how are you suppose to know what is on the agenda. For several months they had been posting the agendas on the website but they have quit doing that - I have included a screen shot of that - I would ask that you not just ~~ask~~ contact the county manager about this - Please contact the 3 commissioners so they are made aware of the problem -

Anita Hand	grya Griffin	Bucky Allred
PO Box 546	PO Box 786	PO Box 166
Datil, NM 87821	Roserve, NM 87830	Glenwood, NM
575-519-2502	575-533-6360	88039
		575-539-2324

**ADDITIONAL INFORMATION:** Please attach any documentation or evidence you have regarding the alleged OMA violation.