

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

December 2, 2020

VIA ELECTRONIC MAIL ONLY

Kathee M. Adams
1414 Grant Ave.
Trinidad, CO 81082
Email: kathee.m.adams@gmail.com

Re: Open Meetings Act Complaint – Bobby LeDoux

Dear Ms. Adams:

The Office of the Attorney General, Open Government Division (“OGD”) has received your complaint alleging violations of the Open Meetings Act (“OMA”), NMSA 1978, Sections 10-15-1 to -4 (2013) by Bobby LeDoux, chair of the Colfax County Board of Commissioners. The OGD is charged with enforcement of the OMA and in that capacity has reviewed the facts and allegations in your complaint. *See* NMSA 1978, § 10-15-3(B) (authorizing the Office of the Attorney General to enforce all provisions of the Open Meetings Act).

The Open Meetings Act is intended to provide the public with access to “the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them.” Section 10-15-1(A). The statute applies specifically to public bodies, which are defined generally as “any board, commission, administrative adjudicatory body or other policymaking body.” Section 10-15-1(B). Any discussion of or action on public business by a public body is subject to the requirements of the statute.

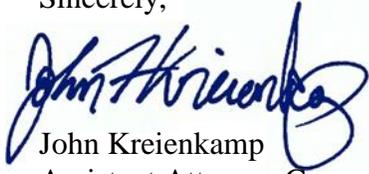
Based on the facts you have provided to us, this case involves several comments made by Chair LeDoux at the Colfax County Board of Commissioners’ May 18, 2020 meeting. (We have obtained the minutes of this meeting from the Board’s website.) Your complaint alleges that Mr. LeDoux violated the OMA by discussing your demeanor at a previous meeting of the Board, which was not an item on the agenda. However, the meeting minutes reflect that Mr. LeDoux was the only Board member who offered substantive comment on your demeanor, although another

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member did apparently respond to Mr. LeDoux by stating that “it was not appropriate or the appropriate place to have the discussion.” As therefore only Mr. LeDoux discussed your demeanor, this does not appear to have been a discussion among a quorum, as would be necessary for the purposes of the OMA. *See* § 10-15-1(B). Isolated and short comments, however inappropriate, by one Board member at a meeting do not establish a violation of the OMA, especially when tangentially related to an item of business on the agenda. As a result, we conclude that you have not identified a violation of OMA, and we consider this matter closed.

The Office of the Attorney General appreciates you bringing possible violations to this office and will welcome any further complaints you may submit. If you have any concerns in the future, please do not hesitate to contact us. Additionally, the OMA Guide is available on the website of the Office of the Attorney General at www.nmag.gov.

Sincerely,



John Kreienkamp
Assistant Attorney General