

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

July 20, 2021

VIA ELECTRONIC MAIL ONLY

Ms. Dana Sanders
70 Shawn Lane SW
Los Lunas, NM 87031
Email: dsanders82@aol.com

Re: Open Meetings Act Complaint – Los Lunas Schools Board of Education

Dear Ms. Sanders:

The Office of the Attorney General, Open Government Division (“OGD”) has received your most recent complaint alleging violations of the Open Meetings Act (“OMA”), NMSA 1978, Sections 10-15-1 to -4 (1974, as amended through 2013) by the Los Lunas Schools Board of Education (the “Board”). 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 OMA governs all actions taken by “any board, commission, committee or other policymaking body,” Section 10-15-3(A), requiring that all public bodies open their meetings to the public and allow interested individuals the opportunity to attend and listen. Section 10-15-1(A). Among other specific procedural requirements, the OMA provides that public bodies may only take action on items listed on the agenda with reasonable specificity. *See* § 10-15-1(F).

In the complaint you submitted to our Office, you allege that the Board violated the OMA by authorizing one of its members to meet with you to “discuss a buy out [sic]” of your employment contract with Los Lunas School. In connection with your complaint, you also submitted copies of email correspondence from this Board member requesting that you meet “to discuss our options.” (It appears that the two of you either met or attempted to meet as requested.) However, while we

Ms. Dana Sanders

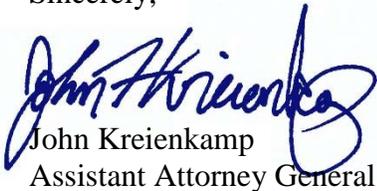
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recognize that the Board may have very well directed or authorized one of its members to meet with you, this could not constitute an “action” for the purposes of the OMA, nor was a discussion of your employment status with this Board member an action of the Board. Indeed, this Board member would not require, for the purposes of the OMA, Board authorization to meet with you at all. As a result, we cannot agree that the Board took action on an item not listed on its agenda, 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

Enclosure

cc: Jacqueline Archuleta-Staehlin, Esq.