

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

December 2, 2020

VIA ELECTRONIC MAIL ONLY

Ms. Kim M. Roberds
70 San Simon
Laguna, NM 87026
Email: vampyresskiss@yahoo.com

Re: Open Meetings Act Complaint – Valencia County Board of County Commissioners

Dear Ms. Roberds:

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 the Valencia County Board of County Commissioners (“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).

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). OMA is applicable to any action taken by “any board, commission, committee or other policymaking body.” Section 10-15-3(A). However, it does not necessarily apply to all actions taken by every public employee or governmental agency; it must be a decision made by a public body. *See* § 10-15-1(B) (providing that all meetings “of a *quorum* of members of any board, commission, administrative adjudicatory body or other policymaking body” are subject to the requirements of OMA).

Based on the facts you have provided to us, this case involves the Board’s limitations on public comment at its meetings, including a time limit of three (3) minutes and an alleged requirement that anyone seeking to submit public comment at a meeting be sponsored by a County Commissioner. You should note, however, that while OMA guarantees the public the right to attend and listen at the meetings of public bodies, it does not mandate that public bodies allow members of the public to speak or otherwise offer public comment at their meetings. *See generally*

Ms. Kim M. Roberds

December 2, 2020

Page 2

§ 10-15-1(A) (providing that, “All meetings of any public body except the legislature and the courts shall be public meetings, and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings.”). Similarly, OMA does not contain express requirements as to the limitations a public body may impose on a public comment period. As a result, we must 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,

A handwritten signature in blue ink, appearing to read "John Kreienkamp", is written over a light blue rectangular background.

John Kreienkamp
Assistant Attorney General