

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

September 3, 2021

VIA ELECTRONIC MAIL ONLY

Pia Louchios
441 Promenade Trail SW
Los Lunas, NM 87031
Email: pia441@gmail.com

Re: Open Meetings Act Complaint – Village of Los Lunas

Dear Ms. Louchios:

The Office of the Attorney General, Open Government Division (hereinafter “OGD”) has received your complaint alleging violations of the Open Meetings Act (“OMA”), NMSA 1978, Sections 10-15-1 to -4 (2013) by the Village of Los Lunas (the “Village”). 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 is applicable to any action taken by “any board, commission, committee or other policymaking body.” Section 10-15-3(A). However, by its terms, OMA is applicable to meetings of a public body; individual employees or governmental agencies that do not consist of a multi-member deliberative body are not subject to the OMA. *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 the OMA) (emphasis added).

Your complaint alleges that individual members of the Village’s staff violated OMA by meeting with a developer whose plat request the Village Council had recently approved with certain conditions. You argue that, because the Council voted to impose conditions on its approval of the plat request, the subsequent meetings by Village staff with the developer discussing those conditions violated OMA because they were not open to the public. However, the facts that you

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have provided to us do not allege that these meetings consisted of “a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body.” Section 10-15-1(B). To the contrary, you have stated that the developer met with Village staff and engineers, not the actual members of the Council itself. As a result, because these meetings did not involve a quorum of the Council or any other “public body” subject to OMA, no further review is necessary, 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 that reads "John Kreienkamp". The signature is stylized and cursive.

John Kreienkamp
Assistant Attorney General