

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



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25 May 2016

City of Albuquerque Personnel Board
c/o Stephanie Apodaca
P.O. Box 1293
Albuquerque, NM 87103

Re: Open Meetings Act Complaint – Charles Arasim

Dear Ms. Apodaca:

The Office of the Attorney General received a complaint from Mr. Charles Arasim alleging the City of Albuquerque Personnel Board (the “Board”) may have violated the New Mexico Open Meetings Act (“OMA”) during a meeting on June 20, 2015. Our office sent a follow-up letter to Mr. Arasim on November 9, 2015, requesting additional information, including clarification of his specific allegations against the Board. To this date our office has not received a response or any additional information from Mr. Arasim related to his complaint. Based on the information available at this time, our review has found no evidence of an OMA violation by the Board. As such, our office considers the matter closed. If additional information is provided in the future, the Office of the Attorney General may choose to reopen the matter for further review.

If you have any questions about this specific matter or the OMA in general, please feel free to contact me directly or the Open Government Division of the Office of the Attorney General at (505) 827-6070.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Dworak", with a long horizontal flourish extending to the right.

Joseph M. Dworak
Assistant Attorney General

cc: Charles Arasim

OPEN MEETING ACT ("OMA") COMPLAINT FORM
New Mexico Office of the Attorney General
Open Government Division

Your Contact Information:

First Name: CHARLES Last Name: ARASIM

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): CITY OF ALBUQUERQUE PERSONNEL BOARD
CITY ATTORNEY & CITY CLERK

Specific date(s) of OMA violation(s): 6-10-15

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. *NOTE (APPROVED & PUBLISHED EXIST)*
- 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.

SEE ATTACHED DOCUMENTS & COPY OF EMAIL
SENT TO C ROLLER ON JUNE 22 2015.

MS. ROLLER CONTACTED ME VIA TELEPHONE
AND ASKED THAT I FILE VIA THE "NORMAL"
CHANNELS.

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