

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



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June 6, 2016

Linda Pafford
91 Wilson Rd. Box 764
San Lorenzo, NM 88041
Email: ruinrat@gmail.com

Re: Open Meetings Act Complaint

Dear Ms. Pafford:

This letter addresses the complaint that you filed with the Office of the Attorney General alleging that the Cobre Consolidated Schools ("CCS") violated the Open Meetings Act ("OMA"), NMSA 1978, Sections 10-15-1 to -4 (2013).

With respect to your complaint, you allege that CCS failed to provide the meeting agenda 72-hour hours prior to the meeting and that the CCS failed to comply with the meeting minutes requirements of the OMA. We have received CCS's response, wherein Andy Sanchez, Esq. answered to your allegations and attached copies of CCS's compliance with the OMA. I have enclosed CCS's response to this letter.

I have reviewed your complaint as well as CCS's response and supporting documentation, and conclude that CCS has complied with the OMA in conducting its meetings from September 2015 to February 2016. As such, we consider this matter closed.

Thank you for affording our office this opportunity to be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dylan K. Lange".

Dylan K. Lange
Assistant Attorney General

cc: Cobre Consolidated Schools

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

Your Contact Information:

First Name: Linda Last Name: Rafford

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): Cobre Consolidated School District

Specific date(s) of OMA violation(s): Board Meetings: 9/14/15, 10/12/15, 11/9/15, 12/14/15, 1/11/16, 1/26/16, 2/8/16

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
- 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

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- ___ 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.

I have repeatedly requested the posting of Draft minutes, the last time was in Public Comments October 12, 2015. I have been told they do not have the capability to do so but they have a functioning web site at cabre.k12.nm.us with drop down menus under the tab "Board of Education". Minutes are not posted until after approval at a subsequent meeting. Their meetings are usually twice a month so often the 10 days would have the Draft posted the Friday before the Monday meeting, but even that would help especially when a scheduled meeting has been canceled. There is no notice of canceled meetings as they are listed on the web site (as an approved schedule 5/26/15). Thus I now call the Board President the day of each scheduled meeting to ask if there is going to be one. I do get a clue because no Agenda is posted but most of the time that Agenda is not posted before noon on the day of the meeting.

The attachment of the "Superintendent Report" has been added to the published minutes after my request but there is no substance included beyond his Agenda listing. Most often that is all that is needed but sometimes it lacks information like "Fund Raisers" does not tell us who or for what.

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

I believe the posting of Agenda, Draft Minutes, and Approved Minutes is for the purpose of the citizens to be able to follow the actions of the Board even when we are unable to attend in person. A Draft Minutes would allow us to see and comment on the previous meeting before those minutes are approved as well as be advised of on-going discussions before 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)