

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](mailto: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 Silver Consolidated Schools ("SCS") violated the Open Meetings Act ("OMA"), NMSA 1978, Sections 10-15-1 to -4 (2013).

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

I have reviewed your complaint as well as SCS's response and supporting documentation, and conclude that SCS has complied with the OMA in conducting its meetings from November 2015 to the present. 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: Silver Consolidated Schools

2016 FEB 26 AM 7:46

OFFICE OF THE ATTORNEY GENERAL

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

Your Contact Information:

First Name: Linda Last Name: Pafford
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): Silver Consolidated Schools

Specific date(s) of OMA violation(s): Meeting dates: 11/17/15, 12/15/15, 1/19/16, 2/16/16

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

X 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.

The 2015-2016 minutes are not posted on the website [www.silverschools.org](http://www.silverschools.org) even though the Agendas and notices are there. The DRAFT of the previous meetings minutes are NEVER posted. I have asked the Board about this several times and been told that they do not have the capability to post them on their website. I doubt this is factual as they have updated their site several times in past years. The site has a drop down menu under the "About Us" tab and another to the side of "Governing Board" with several items including Board Members - Agendas - Board Meeting Minutes (the 2015-2016 folder is empty) - District Policy Manual - 2014-15 Strategic Plan - & Legal Notices - Board Meetings.

I have heard several citizens report an inability to get on the Agenda because of the inability to make contact with the Superintendent or just being denied.

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

The Board has recently [Meeting 2/9/16] stated that no public comment will be allowed concerning any school employee other than the Superintendent, their "only employee." When the usual process of complaint through the Teacher, the Principal, and the Superintendent have failed, shouldn't parents and citizens be able to bring that issue before the School Board?