

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

July 8, 2021

VIA ELECTRONIC MAIL ONLY

City of Las Vegas
Scott G. Aaron, City Attorney
1700 N. Grand Ave
Las Vegas, NM 87701
Email: saaron@lasvegasnm.gov

Re: Open Meetings Act Complaints – Lee Einer

Dear Mr. Aaron:

The Office of the Attorney General, Open Government Division (“OGD”) has received a new complaint from Mr. Lee Einer alleging that the Las Vegas City Council (the “Council”) violated the Open Meetings Act (“OMA”), NMSA 1978, Sections 10-15-1 to -4 (2013). As you know, the OGD is charged with enforcement of the OMA and in that capacity utilizes a complaint process intended to educate public bodies and encourage them to comply with their statutory responsibilities. *See* NMSA 1978, § 10-15-3(B) (authorizing the Office of the Attorney General to enforce all provisions of the Open Meetings Act). In that capacity, we have reviewed the facts and allegations in this complaint and have found them to be at least partially well taken.

The Open Meetings Act guarantees the public 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). To ensure that public bodies provide this information to the public, OMA requires that public bodies prepare minutes within ten working days of any meeting and then approve, amend, or disapprove those minutes “at the next meeting where a quorum is present.” Section 10-15-1(G) (emphasis added).

Mr. Einer’s complaint to our Office, which alleges that the Council failed to approve meeting minutes at several meetings in May 2021, is the latest in a long line of complaints we have received alleging meeting minutes violations by the Council and the City of Las Vegas’s other boards. *See* N.M. Att’y Gen. Letter to Scott Aaron, City of Las Vegas (Dec. 2, 2020), N.M. Atty. Gen. Letter to Tonita Gurule-Giron, Mayor (Jan. 6, 2020), and N.M. Att’y Gen. Letter to Esther Garduño Montoya (Jan. 6, 2020). Most recently, we wrote to the City on December 2, 2020, and explained

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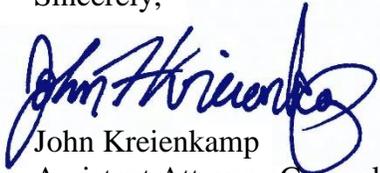
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that while “we do not intend to belabor this point,” we “strongly encourage the City to take steps to ensure that all of its boards and commissions subject to OMA abide by the statute’s minutes requirements.” N.M. Att’y Gen. Letter to Scott Aaron, City of Las Vegas, at 2 (Dec. 2, 2020).

In light of Mr. Einer’s latest complaint, we again urge the Council and the City more generally to take care to abide by OMA’s meeting minutes requirements. To be clear, compliance with Section 10-15-1(G) is not discretionary or optional on the part of public bodies: it is a plain statutory mandate that meeting minutes “*shall* be approved, amended or disapproved at the next meeting where a quorum is present.” Section 10-15-1(G). This obligates the Council to approve its previous meeting’s minutes at any meeting held at least ten (10) days after its previous meeting. We encourage the Council and all of the City’s other boards and commissions to make the preparation and approval of meeting minutes a priority going forward, both to avoid future complaints to our Office and in the interest of providing the public with access to “the greatest possible information” about the City’s affairs. Section 10-15-1(A).

For your reference, a copy of the OMA Guide is available on the website of the Office of the Attorney General at www.nmag.gov. If you have any questions regarding this determination or OMA in general, please let me know.

Sincerely,



John Kreienkamp
Assistant Attorney General

Enclosure

cc: Lee Einer