

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

September 18, 2020

VIA ELECTRONIC MAIL ONLY

Maire O'Neill
3202 Woodland Road
Los Alamos, NM 87544
Email: maire@losalamosreporter.com

Re: Open Meetings Act Complaint – Regional Coalition of LANL Communities

Dear Ms. O'Neill:

The Office of the Attorney General, Open Government Division (“OGD”) has received your complaint alleging violations of the Open Meetings Act (“OMA”), NMSA 1978, Sections 10-15-1 to -4 (2013) by the Regional Coalition of LANL Communities (“the Coalition”). 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). To that end, the OMA requires that all public bodies keep minutes of each meeting containing at least “the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted.” Section 10-15-1(G). Critically, meeting minutes must be made available for public inspection. *See* § 10-15-1(G) (stating that, “All minutes are open to public inspection.”). The public body must prepare draft minutes “within ten working days after the meeting” and then consider them at its next meeting. Section 10-15-1(G).

Your complaint appears to allege that the Coalition has engaged in an ongoing violation of the OMA by failing to post the minutes of its meetings on its website since approximately August

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2018. While the OMA does require public bodies to post meeting agendas online, see Section 10-15-1(F), it does not contain any such requirement for meeting minutes. *See* § 10-15-1(G). Instead, meeting minutes simply must be available for public inspection upon request. (Your complaint does not allege that you submitted a written request to the Coalition to inspect or copy its meeting minutes.)¹ As a result, we conclude that you have not identified a violation of the OMA, 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,



John Kreienkamp
Assistant Attorney General

¹ We would emphasize that the Coalition's meeting minutes are subject to inspection, even in draft form, pursuant to the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2019). Thus, you may submit a public records request to the Coalition in order to obtain access to its meeting minutes.