



CITY OF SANTA FE

# The Open Meetings Act

NMSA 1978, Chapter 10, Article 15

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# The Open Meetings Act Applies to the Planning Commission

- The Open Meetings Act applies to any “administrative adjudicatory body or other policymaking body” of any state or local government agency, including municipalities.

*See* NMSA 1978, Section 10-15-1(B)

# **The Open Meetings Act: Public business of a public body must be conducted in public.**

- The purpose of the Open Meetings Act is to provide rules that public bodies follow to ensure that public business is conducted in public.
- To accomplish this goal, the Open Meetings Act requires the following:
  - Public business be conducted in full public view,
  - Actions of public bodies be taken openly, and
  - Deliberations of public bodies be open to the public.

# Quorum

- The Open Meetings Act requires that a quorum of Commission members to meet in public unless the subject matter of the meeting is exempt from this requirement.
- In the case of the Planning Commission, the City's code provides that a "quorum" means "a majority of members." See Section 14-2.8 (D).

# “Rolling” or “Walking” Quorums

- Discussions among Commission members are subject to Open Meetings Act requirements, regardless of whether the discussion occurs over the course of time or in different places.

# Public's Right to "Attend and Listen"

- Open Meetings Act requires that **"all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings."** NMSA 1978, § 10-15-1(A).
  - *Reasonable* public access is required.
  - The Open Meetings Act is not intended to be so strictly construed as to impair or impede the effective workings of government.

# Remote Appearance

- The Open Meetings Act permits remote participation under certain circumstances:
  - Public body must have its own law allowing it. NMSA 1978, §10-15-1(C);
  - Must be difficult or impossible for a member to attend in person for that member to participate remotely.
  - All members must be identifiable, able to hear each other, and audible to the public.
- The City permits remote attendance pursuant to Code, Section 1-9.

# The Public is Entitled to Reasonable Notice of Public Meetings

- The Commission must give notice of all public meetings of a quorum of the Commission.
- The City adopts an annual Open Meetings Resolution establishing reasonable notice for all public bodies at the City.
- In addition, City Code, City Resolutions, and State statute establish rules for notice for different types of matters, including the manner of issuing notice and certain deadlines.

## Commission Agenda Must be Available to the Public at Least 72 Hours Before a Meeting

- Unless there is an emergency, 72-hours is the minimum notice of a meeting under the Open Meetings Act.
- The 72-hour requirement applies regardless of whether the time period includes a Saturday, Sunday, or holiday. For example, a Commission holding a meeting on a Monday at 9:00 a.m. would meet the 72-hour requirement if it made the agenda available on Friday by 9:00 a.m. See NMSA 1978, § 10-15-1(F).

# Reconvened Meetings

- Public meetings can be recessed and reconvened within under 72-hours.
- Commission must take the following steps to reconvene a meeting:
  - State the date, time and place for continuation of the meeting before adjournment.
  - Post notice of the continuation on or near the door of the place where the meeting originated and in at least one other location.
  - Commission may not discuss items at the reconvened meeting that were not on the agenda of the original meeting.

# Minutes

- The Commission is required to keep written minutes of all open meetings.
- Minutes of open meetings must record at least the following information:
  - (a) the date, time, and place of the meeting;
  - (b) the names of all members of the Commission in attendance and a list of those members absent;
  - (c) a statement of what proposals were considered; and
  - (d) a record of any decisions made by the Commission and of how each member voted.

# Minutes

- Must contain a description of the subject of all discussions had by the Commission, even if no action is taken.
- A draft copy of the minutes must be prepared within ten working days of the meeting.
- Draft copies of minutes must be available for public inspection.
- The Commission must approve, amend, or disapprove draft minutes at the next meeting of a quorum, and the minutes are not official until they are approved.

**Questions?**