

# Open Meetings Act Compliance

## Taos Valley Acequia Association Fact Sheet\*

Community Acequias are political subdivision of the state and are required to comply with the Open Meetings Act. This generally has not been enforced in the past. However, when some community Acequias have been involved in litigation, their opponents have raised questions about whether that Acequia operates in compliance with state law, including the Open Meetings Act. A recent letter from the NM Attorney General (October 31, 2008) describes these requirements in greater detail.

The following are provisions of the Open Meetings Act:

- Meetings shall be held only after there is reasonable notice.
- The Acequia shall determine at least annually what is reasonable notice. A sample Open Meetings Act Resolution is included in this Appendix. This Resolution must be approved by a vote of the parciantes at each annual meeting.
- Notice must be provided by public posting at least 10 days prior notice for regular meetings, 3 days prior for special meetings, and 24 hours prior for emergency meetings.
- There must be a written agenda and it should be available 24 hours prior to the meeting.
- The community Acequia may close part of a meeting for Executive Session in matters pertaining to threatened or pending litigation.

The attached sample Open Meetings Act Resolution contains the following provisions:

- Annual and special meetings of the membership require 10 days written and/or posted notice. This part of your resolution should be consistent with Article 3, Section 2 of the Bylaws Template. Most Acequias provide notice of their membership meetings by mailing notice. To comply with the Open Meetings Act, notice should also be posted publicly.
- Special meetings of the Commission require 3 days posted notice. This is consistent with Article 2, Section 5 of the Bylaws Template. For most Acequias, which don't have regular Commissioner meetings, the purpose of a Commissioner meeting might be to approve a contract or to respond to a disaster. Because of the need to respond quickly to these types of situations, and because Commissioners acting alone have less power than the membership (for example, they can't amend bylaws), the notice requirements for Commissioner meetings are less strict than those for membership meetings.
- Emergency meetings can be called with 24 hours posted notice. This is not in the Bylaws Template but it is allowed by the Open Meetings Act for unforeseen circumstances that demand immediate action to protect the Acequia.

(Acequia Name) \_\_\_\_\_

RESOLUTION NO. \_\_\_\_

WHEREAS, the \_\_\_\_\_ met for its annual membership meeting on \_\_\_\_\_ at \_\_\_\_\_; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 10-15-4) states that, except as may be otherwise provided in the Constitution or the provision of the Open Meetings Act, all meetings of the \_\_\_\_\_ are declared to be public meetings and open to the public;

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Acequia to determine at least annually what constitutes reasonable notice of its public meetings;

THEREFORE BE IT RESOLVED, by the \_\_\_\_\_ that:

1. All meetings shall be held in a public place in \_\_\_\_\_.
2. Annual and special meetings of the Membership shall be held in accordance with the Bylaws of the Acequia and notice will be given ten (10) days in advance of the meeting date. *(When you Acequia adopts this resolution, you should select and insert either of the following options. Note: This should be consistent with Article 2, Section 3 of Bylaws Template.)*

**Option 1.** The Acequia shall provide notice by posting at one or more public locations within the county where the meeting will take place. Notice shall include the date, time, and location of the meeting. Notice shall also indicate how to obtain a copy of the agenda. The agenda should be available no fewer than 24 hours before the meeting.

**Option 2.** The Acequia shall provide notice by posting at one or more public locations within the county where the meeting will take place. The Acequia shall also provide written notice by mail to all parciantes listed in official Acequia records. Notice shall include the date, time, and location of the meeting. Notice shall also indicate how to obtain a copy of the agenda. The agenda should be available no fewer than 24 hours before the meeting.

3. Special meetings of the Commission shall be held in accordance with the Bylaws of the Acequia. Notice will be given by public posting three (3) days in advance of the meeting date. Notice shall include the date, time and location of the meeting and shall indicate how to obtain a copy of the agenda. The agenda should be available no less than 24 hours before the meeting.

4. Emergency meetings of the Commission shall be called by the Chairman only for purposes that demand immediate attention to safeguard public safety and welfare. Notice shall include the date, time, location, and agenda of the meeting and notice shall be provided 24 hours in advance of the meeting by public posting.
5. An Acequia meeting may be closed to discuss matters such as litigation or personnel, as listed in Section 10-15-1(H) of the Open Meetings Act. If a meeting is closed during an open meeting, the Acequia shall comply with the specific requirements of Section 10-15-1(I) of the Open Meetings Act. The motion calling for a closed meeting shall state the subject to be discussed. Only that subject may be discussed in the closed meeting. The minutes of the Acequia meeting shall make record of the motion and the approval for a closed meeting and shall state whether the discussion in the closed meeting remained limited to the subject mentioned in the motion for closure.

---

President

---

Secretary

---

Treasurer

---

Mayordomo

---

\* Adapted from the New Mexico Acequia Association Fact Sheet