



Habla Open Meetings?

By Robert Trapp

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The lawsuit filed by Douglas and Lance Peper against the Parkview Community Ditch will be an interesting one to follow.

The Peper's argue the Ditch commission cannot conduct its meetings, public by state law, in Spanish. The Peper's are parciantes or own water rights on the ditch. They are interested in the running of the acequia, how money is taken in and spent, officers elected and water apportioned. However, neither speaks Spanish, so they don't know what is occurring in their acequia.

Commissioners claim out of one side of their mouths they want more participation from water rights owners. From the other side they say it's fine to conduct meetings in Spanish only. That doesn't sound like a way to encourage participation.

The New Mexico Open Meetings Act does not address the concern. That's probably because common sense dictates public meetings would be held in English, the widely dominant form of communication in government, commerce, schools and churches.

State statute Section 73 covers acequias extensively from elections all the way down to hiring labor and settling water disputes. Nowhere in the section could we find a passage prescribing the language in which any meeting shall be held. All acequias in the state are overseen by the State Acequia Association, members of which are appointed by the governor. State statute does not mandate the meeting of that body in English. Public bodies don't make accommodation for Spanish-only speakers. They do provide for visually or hearing impaired. So it makes the reverse question interesting, especially in Northern Rio Arriba County, where Spanish is widely spoken.

The District Court could look strictly at the law and see there is nothing stating acequias, or any other public body for that matter, must operate in English. It also doesn't disallow for meetings to be held in Spanish.

The common sense approach would look at the 68 subsections of Section 73, which innumerate the many things an acequia association may and may not do. Take for instance borrowing money. That would be done in English. Want to sue someone for not paying their acequia fees? English only. If an acequia wants to enter into a contract or remove a commissioner from office, it would be in English.

There is no official language in the United States. However, English is the language used for legislation, regulations, executive orders, treaties, federal court rulings, and all other official pronouncements. It is the most widely spoken common language. Surely a lot of French creeps into Louisiana meetings and you might hear the Swedish language spoken in meetings in small Minnesota towns, but business is conducted in English.

The true fix to this problem is for the state legislature to address the shortcoming in state statute. It shouldn't have to be stated in law, but this lawsuit shows that apparently we do have to legislate common sense.