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STATEMENT

For Immediate Release

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Albuquerque, NM – On Wednesday, the three Public Regulation Commissioners (PRC) voted unanimously in favor of a plan to hold fewer public meetings and more executive sessions, or talks held behind closed doors.

To simply announce that every other meeting will be closed seems not to take into consideration whether all items discussed will fall under the Open Meetings Act (OMA) exceptions, and that the public must be advised, in advance, of the items to be discussed in closed session, under which provisions of the law the closed discussion is authorized, and with "reasonable specificity the subject to be discussed."

The OMA was passed in 1978 in recognition of the fact that a representative government is dependent upon an informed electorate for the benefit of all New Mexicans. The New Mexico Foundation for Open Government (FOG) reminds the PRC that there are specific reasons to hold a closed meeting and the reasons must be published in an agenda 72 hours prior to that meeting. Also, the PRC is reminded that no action may take place in a closed meeting. The law regarding a Closed Meeting Outside an Open Meeting states...

If any meeting is closed pursuant to the exclusions contained in Subsection (H) of this section, the closure: ... (2) If called for when the policymaking body is not in an open meeting, shall not be held until public notice, appropriate under the circumstances, stating the specific provision of the law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed, is given to the members and to the general public.

The specific reasons to hold a closed meeting include:

1. Licensing
2. Limited Personnel Matters
3. Administrative Adjudicatory Deliberations
4. Personally Identifiable Student Information
5. Collective Bargaining -- Nothing in the agenda suggests this will happen.
6. Certain Purchases
7. Litigation
8. Real estate
9. Since the PRC is not a public hospital and it does not operate gaming facilities, those exceptions are moot.

FOG strongly urges the commission to reconsider and adopt a resolution opening all the meetings, and we know from experience it can be done. FOG believes any attempt to engage in a public decision-making process without including the public is a violation of the public's trust.

As an advocate for transparency in government, FOG's mission is to defend the public's right to know and to educate citizens and government agencies about their rights and responsibilities under New Mexico's open-meetings and open-records laws. If you have any questions or concerns regarding IPRA or the OMA, you can contact NMFOG at 1-505-764-3750.