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December 16, 2014

By email: jmgonzales@santafem.gov

The Honorable Javier Gonzales
Mayor of Santa Fe, New Mexico

Re: Executive Session in Violation of the Open Meetings Act

Dear Mayor Gonzales:

I am writing on behalf of the New Mexico Foundation for Open Government ("FOG") in regard to the December 10, 2014 meeting of the Santa Fe City Council. At that meeting, the Council voted to close its meeting under the Open Meetings Act ("OMA"). Although NMSA 1978, section 10-15-1.H provides a limited number of exceptions to the statutory requirement of open meetings, the purpose of the OMA is to formulate public policy and conduct public business in public, not behind closed doors.

It is FOG's understanding that during its executive session, the Council had extensive discussions concerning possible relocation of the Homeless Shelter which currently operates at 2801 Cerrillos Road. Not only was this topic not properly listed on the meeting agenda, it also was not permissible under any exception to the Open Meetings Act. Where and how services and shelter for the homeless are available in the Santa Fe community is of concern to all citizens as shown by the large attendance at the City Council meeting on November 12, 2014, when the Council discussed the Homeless Shelter and approved a renewal of the shelter lease in a public session.

Our understanding is that on December 10 there was no pending litigation or purchase offer regarding 2801 Cerrillos Road, and any discussion of the lease in executive session was not warranted, especially after it had been discussed and voted on in a public session a few weeks earlier. It appears that the City may have wanted to continue the November 12 discussion in private, without the possible political fallout of the public being present to listen to and react to that discussion. This kind of executive session is precisely what the OMA is intended to prevent.

FOG is concerned about the City Council's actions and recommends that in the future all issues concerning the Homeless Shelter be properly noticed on the agenda and discussed in an open meeting. In addition, at your next meeting you should bring before the public all issues regarding the shelter that were privately debated during the December 10 executive session.

Representatives of FOG welcome the opportunity to meet with elected officials about these open meetings issues.



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Very truly yours,

Susan Boe
Executive Director