



2333 Wisconsin St. NE  
Albuquerque, NM 87110  
NMFOG.org

April 20, 2020

**EXECUTIVE  
COMMITTEE**

Susan M. Boe  
President

Michael Melody  
Vice President

Sammy Lopez  
Secretary

Carl Baldwin  
Treasurer

Charles "Kip" Purcell  
At-Large Member

Daniel Yohalem  
At-Large Member

Immediate Past  
President  
Karen Moses

**DIRECTORS**

Mary Ann Armijo  
Kathi Bearden  
Billie Blair  
Dede Feldman  
Heather Ferguson  
Tom Johnson  
Henry Lopez  
Sammy Lopez  
Paula Maes  
Tim Maestas  
Steve McKee  
Fred Nathan  
Jessica Onsurez  
Lucas Peerman  
Charles R. Peifer  
Mary Lynn Roper  
Kristelle Siarza  
Hal Stratton  
Robert B. Trapp  
Gregory Williams

Melanie J. Majors  
Executive Director

sent by email mayor@santafenm.gov

Alan Webber  
Mayor  
City of Santa Fe  
PO Box 909  
Santa Fe, NM 87504-0909

Dear Mayor Webber,

The New Mexico Foundation for Open Government (FOG) is dedicated to ensuring access to public information in New Mexico, which includes assisting both records requestors and public entities regarding compliance with the New Mexico Inspection of Public Records Act ("IPRA") and assisting those who have concerns about compliance with the Open Meetings Act (OMA).

During the current health emergency, FOG is determined that officials do not erode the liberties and freedoms that are at the core of the American way of life – including the provisions prohibiting what the OMA considers rolling quorums.

A **rolling quorum** is defined as occurring when a **quorum** is achieved without all the elected officials needed being present in the same room at the same time. For example, they might discuss public business by email or phone call over several days. This practice unequivocally puts its practitioners in violation of public meeting laws.

At the beginning of the health emergency, the Office of Attorney General Hector Balderas issued guidance reminding elected officials the OMA was still in force. Yet, on Friday, the Santa Fe New Mexican ran a story in which Chris Armijo, a representative for AFSCME Council 18, said the union that represents the bulk of Santa Fe employees, was involved in budget discussions "behind the scenes."

Obviously, these "behind the scenes" "ongoing budget discussions" should be happening in public with public input rather than cutting back room deals with special interests. As a reminder, union issues are city business and should be discussed openly in a city meeting. And, any discussions that take place outside of a public meeting, including a series of telephone calls or email conversations, are OMA violations.

FOG joined 143 other organizations signing a statement stressing "during times of national crisis, trust and credibility are the government's most precious assets. As people are asked to make increasing sacrifices in their daily lives for the greater good of public health, the legitimacy of government decision-making requires a renewed commitment to transparency. Open government is not bureaucratic red tape."

Very truly yours,

Susan Boe  
President

Melanie J. Majors  
Executive Director