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## NEWS RELEASE

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For Immediate Release

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### **FOG Applauds Court Decision Enforcing State's Open Meetings Act**

**ALBUQUERQUE, N.M.** – The New Mexico Foundation for Open Government (FOG) applauds today's decision by the Second Judicial District Court holding that the Village of Los Ranchos de Albuquerque's actions in approving a development plan were subject to the state's Open Meetings Act (OMA), and that the Village's failure to discuss and vote on the plan in a properly noticed public meeting violated the OMA, rendering the approval of the plan invalid.

District Court Judge Denise Barela Shepherd handed down her decision declaring the Village was wrong when it "improperly delegated final action on a redevelopment plan to the planning and zoning director and the village administrator."

The Judge ruled that the planning and zoning director and village administrator lacked the legal authority to approve the preliminary plat, final plat, and site plans, and that "the approval of the preliminary plat, final plat, and site plans should have occurred in an open public meeting."

The OMA declares, "a public body may not evade its obligations under the Act by delegating its responsibilities for making decisions and taking final action to a committee. This is true even when the public body delegates its authority for holding a meeting or hearing to a single individual. If a hearing would be subject to the Act if convened by the public body, the hearing cannot be closed simply because the public body appoints a single hearing officer to hold the hearing in its place."

"I think today's outcome is important and significant for two reasons," said Matthew M. Beck, plaintiff's attorney with Peifer, Hanson, Mullins and Baker, PA and a past FOG Dixon Award recipient. "This ruling makes very clear what the AG's guidance tries to make clear – a public body cannot delegate away decisions that should be made in a public forum. The court's action reinforces the merits of the OMA in real life terms."

The case involved the preliminary plat, final plat, and site development plans of Palindrome for the Village Center Project. Beck said now the only way the Village may properly approve of the preliminary plat, final plat, and site development plans by Palindrome under the OMA is to go back and approve each application properly in accordance with the OMA and the Village's own codes.

The case is *Friends of Los Ranchos Inc v. Village of Los Ranchos de Albuquerque, and Palindrome Communities, LLC*, D -202-CV-2023-07688.

As an advocate for transparency in government, FOG is a nonprofit, nonpartisan organization that serves the open government interests of the general public, the business community, elected officials, journalists and lawyers. Call the FOG hotline at 1-505-764-3750 for questions or concerns regarding Inspection of Public Records Act of the Open Meeting Act.