

FOG files Open Meetings Act complaint against PERA Board

Written by Staff Reports
Friday, 12 June 2020 06:55



ALBUQUERQUE — The New Mexico Foundation for Open Government filed a complaint June 2 claiming the Public Employees Retirement Association of New Mexico Board of Trustees violated the state’s Open Meetings Act at their meeting May 29.

The meeting agenda for May 29 lists an item about the discussion and termination of withholding of Retire Public Employees of New Mexico membership dues from PERA retirement benefits. However, during the meeting, an amendment was voted on and approved by the PERA Board that an additional group, American Federation of State, County and Municipal Employees, would also have their dues terminated.

“The PERA Board’s decision to act on an issue not listed on the agenda is a clear violation of the OMA as the public did not have any prior notice that the AFSCME dues item was going to be discussed for termination,” Melanie Majors, executive director of NMFOG, said. “As such, FOG believes that the action taken on May 29 concerning the AFSCME is null and void.”

Majors said FOG asks that the Attorney General Hector Balderas take appropriate action to ensure that the PERA Board of Trustees complies with state law. She said state law and previous Attorneys General opinions require specific descriptions of agenda items and public bodies may only act on items listed on the agenda.

The Open Meetings Act was enacted for the benefit of all New Mexicans, to ensure that the policies, records, votes, actions and deliberations be open to the public. Any attempt to engage

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in a public decision-making process without including the public as outlined in the state's guidelines is a violation of the law and just as important, the public's trust. It's basically a question of accountability and being transparent.

As the state's leading 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.

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