

Opinion No. 50-5302

June 15, 1950

BY: JOE L. MARTINEZ, Attorney General

TO: Hon. Floyd T. Kennedy Mayor, City of Portales Portales, New Mexico

{*158} I have your recent letter requesting an opinion as to the authority of the city council of the City of Portales to assemble in executive session. I understand that the council has decided by vote that they have the right to so assemble.

Section 14-1406 N.M.S.A. 1941, in part, states as follows:

"* * * they shall determine the rules of their own proceedings, and keep a journal thereof, which shall be open to the inspection and examination of any citizen * * * The city clerk shall have the custody of all the laws and ordinances of the city, and shall keep a regular and correct journal of the proceedings of the council, * * *"

Section 14-1407 N.M.S.A. 1941 states as follows:

"The city council shall possess all the powers granted by law, and other corporate powers of the city not herein, or by some ordinance of the city council, conferred on some {*159} officer of the city; they shall have the management and control of the finances, and all the property, real and personal, belonging to the corporation; they shall determine the times and places of holding their meetings, **which shall at all times be open to the public**, and the mayor and any three (3) members may call special meetings by notice to each of the members of the council, personally served or left at his usual places of residence;" * * *

It is evident from the two quoted sections that the meetings at all times shall be open to the public and that a journal of the proceedings shall also be open to public inspection.

Therefore, it is my opinion that the vote of the city council to hold executive sessions is contrary to §§ 14-1406-07 of the statutes of New Mexico, and all meetings must be held at all times open to the public.