

Bond Case Briefs

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OPEN MEETINGS ACT - NEW MEXICO

Palenick v. City of Rio Rancho

Supreme Court of New Mexico - June 27, 2013 - P.3d - 2013 WL 3226758

City manager brought action against city alleging his termination was in violation of the Open Meetings Act (OMA) and seeking payment pursuant to employment agreement.

The Supreme Court of New Mexico held that:

- Whether city manager waived right to pursue breach of contract claim under OMA was a question of law subject to de novo review, and
- Demand and acceptance of severance payment constituted waiver of breach of contract claim under OMA.

City manager's demand and acceptance of severance package from the city constituted a waiver of city manager's right to pursue breach of contract action against city based on alleged violation of OMA stemming from termination of manager's employment, where manager's demand and acceptance of a severance payment was inconsistent with his assertion that he was still an employee at the time of the alleged OMA violation, and manager failed to comply with statutory requirement to alert city council of alleged OMA violation.