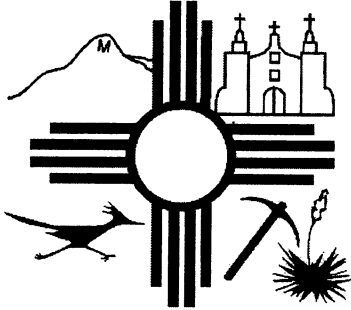
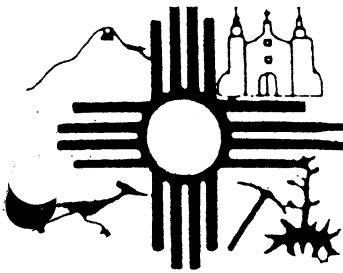


CITY OF SOCORRO



City of Socorro
Information Provided to
Smith and Christensen, LLC
August 27, 2014
Volume 1

Presented by Mayor Ravi Bhasker



CITY OF SOCORRO

RAVI BHASKER
MAYOR

111 SCHOOL OF MINES ROAD
P.O. DRAWER K
SOCORRO, NEW MEXICO 87801
PHONE: (575) 835-0240
FAX: (575) 838-4027

GEORGE PATRICK SALOME, JR.
CITY CLERK

August 26, 2014

SMITH AND CHRISTENSEN, LLP
5970 Fairview Road, Suite 126
Charlotte, NC 28210

Dear Sir:

This correspondence is written in response to an inquiry into Socorro Electric Cooperative (SEC) operations by Smith and Christensen, LLP.

As Mayor of the City of Socorro since 1990, I have had a great deal of interaction (both as a consumer and as an elected official) with Socorro Electric Cooperative. Over the past several years, SEC operations have diminished to the point that the SEC is no longer a positive influence on our community. Many residents have gone on record with the City and many others have verbally voiced concerns regarding management issues, SEC Board of Trustees actions, policy changes, actions which diminish the rights of owners, public record inspection issues, favoritism toward the families of Trustees and an overall dissatisfaction with the desire of management to openly and fairly address these concerns.

Among other things, recent SEC operations, policy changes and general concerns about the community have, in my opinion, fallen below an acceptable standard which is detrimental not only to our community but to the reputation of cooperatives in general. In an effort to objectively evaluate the SEC, I have chosen to summarize all documentable information which has either been submitted to the City for review and assistance (by community residents) or has been acquired by the City in the normal course of business.

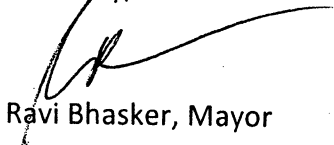
I am presenting the information to you under the following format:

1. An index containing 36 items which presents these items in a meaningful manner.
2. Videos (DVD's) have been enclosed when either the video supports the written information or when the video is essential to understanding the enclosed information.
3. Additionally, below I have taken the seven cooperative principles (attached) and associated the items herein contained that violate the intent of those principals which are intended to govern cooperatives.
 - a. Voluntary and Open Membership (Tab No. 18)
 - b. Democratic Member Control (Tab No. 2, 3, 4, 5a-b, 23, 24, 28, 36)
 - c. Members' Economic Participation
 - d. Autonomy and Independence (Tab No. 3, 4, 26)
 - e. Education, Training and Information (Tab No. 7, 27, 30, 35)
 - f. Cooperation Among Cooperatives
 - g. Concern for Community (Tab No. 6a-r, 8, 9a-e, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 25, 29, 32, 34)

Any items contained in the information provided and not addressed above we believe to be bad business practices (Tab No. 31 and 33).

If you have any questions, please feel free to contact me at 505-480-6172 or 575-835-0240.

Sincerely,



Ravi Bhasker, Mayor

City of Socorro

The Seven Cooperative Principles

The idea of using a set of principles to guide cooperatives came from the Rochdale Equitable Pioneers Society. This cooperative store was formed by a group of English weavers in 1844 who pooled their purchases to get a better deal from suppliers.



They wanted a set of principles to guide their new organization. The seven items they developed are used around the world today to define the spirit of a cooperative. They are:

1. Voluntary and Open Membership

Cooperatives are voluntary organizations, open to all persons able to use their services and willing to accept the responsibilities of membership, without gender, social, racial, political or religious discrimination.

2. Democratic Member Control

Cooperatives are democratic organizations controlled by their members, who actively participate in setting policies and making decisions. The elected representatives are accountable to the membership. In primary cooperatives, members have equal voting rights (one member, one vote) and cooperatives at other levels are organized in a democratic manner.

3. Members' Economic Participation

Members contribute equitably to, and democratically control, the capital of their cooperative. At least part of that capital is usually the common property of the cooperative. Members usually receive limited compensation, if any, on capital subscribed as a condition of membership.

4. Autonomy and Independence

Cooperatives are autonomous, self-help organizations controlled by their members. If they enter into agreements with other organizations, including governments, or raise capital from external sources, they do so on terms that ensure democratic control by their members and maintain their cooperative autonomy.

5. Education, Training, and Information

Cooperatives provide education and training for their members, elected representatives, managers, and employees so they can contribute effectively to the development of their cooperatives. They inform the general public, particularly young people and opinion leaders, about the nature and benefits of cooperation.

6. Cooperation Among Cooperatives

Cooperatives serve their members most effectively and strengthen the cooperative movement by working together through local, national, regional and international structures.

7. Concern for Community

While focusing on member needs, cooperatives work for the sustainable development of their communities through policies accepted by their members.

When a Co-op Isn't a Co-op

Many businesses call themselves co-ops when they aren't. Their owners may like the word without realizing it has a very specific meaning. Or, they may want to take advantage of the goodwill associated with cooperatives without being one.

In either case, calling yourself a cooperative is not the same as being one.

A cooperative is legally bound by the state and the IRS to the cooperative principles. It is organized under Section 501 (c) (12) of the Internal Revenue Code, which requires that it be organized for the benefit of their members and operated through democratic elections.

So, don't assume that a business that calls itself a cooperative is one. Ask if the firm is incorporated as a co-op and whether it follows the cooperative principles.

What Is a Cooperative?

A cooperative is an independent, nonprofit business organized on behalf of its members. Over 350 million Americans are members of over 40,000 cooperatives in the United States today.

Nearly 1,000 rural electric cooperatives provide electric power to 42 million people in their homes and businesses in 47 states. Rural electric cooperatives own and maintain 2.5 million miles of power line. New Mexico's 16 co-ops serve 80 percent of the state's landmass with over \$960 million invested in power lines and other related equipment to provide electric service to their members.

The power of well-run cooperatives is impressive. Whether made up of a few travelers creating RV parks for themselves or 60,000 teachers and public school employees, they demonstrate the strength that comes from working together at the grassroots level. They show how emphasizing the common good may be a step toward a more just and democratic society.

INFORMATION PROVIDED TO SMITH AND CHRISTENSEN, LLP BY THE CITY OF SOCORRO

AUGUST 27, 2014

INDEX TO ALL ENCLOSED INFORMATION

Tab Number

- 1 City Council Resolution dated June 16, 2014.
- 2 City Council Resolution dated July 21, 2014.
- 3 E-mail correspondence pertaining to municipal acquisition from Board President Anne Dorough dated June 14, 2014.
- 4 Letters from Board President Ann Dorough to SEC member/owners regarding potential municipal acquisition dated July 17, 2014 and July 24, 2014.
- 5 Correspondence from Mayor Bhasker:
 - a. To residents – responding to Ms. Dorough’s letter dated July 28, 2014.
 - b. To Ms. Dorough pertaining to her position on municipal acquisition.
- 6 City Council meeting minutes regarding in-person complaints pertaining to SEC operations (complaints highlighted in yellow):
 - a. February 19, 2013
 - b. April 1, 2013
 - c. July 22, 2013
 - d. September 3, 2013
 - e. September 16, 2013
 - f. October 7, 2013
 - g. November 18, 2013
 - h. December 2, 2013
 - i. December 16, 2013
 - j. February 18, 2014
 - k. March 3, 2014
 - l. April 21, 2014
 - m. May 5, 2014
 - n. May 19, 2014
 - o. June 2, 2014
 - p. June 16, 2014
 - q. July 21, 2014
 - r. August 4, 2014

- 7 SEC Board minutes from February 26, 2014. Mayor Bhasker attended the SEC Board meeting to discuss SEC operations. The SEC minutes do not reflect Mayor Bhasker's actual comments or reflect the Mayor's position. To view actual meeting, DVD #1 is enclosed.
- 8 Bob Tacker complaint presented to City Council on November 4, 2013 – City Council minutes enclosed.
- 9 Colette Foard complaint presented to City Council on December 16, 2013 and February 3, 2014.
- a. December 16, 2013 City Council minutes enclosed.
 - b. February 3, 2014 City Council minutes enclosed.
 - c. Eyewitness 4 News article containing PRC Commissioner Ben Hall's statements regarding SEC operations.
 - d. SEC Board meeting minutes dated January 29, 2014 - Ms. Foard addresses the SEC Board (DVD #2 is enclosed).
 - e. SEC Board meeting minutes dated February 26, 2014 denying Ms. Foard capital credit return (DVD #2 is enclosed).
- 10 James Cherry – Inspection of Public Records complaint dated January 22, 2014. Follow-up letter dated March 31, 2014. June 19, 2014 letter from Trustee Wagner to SEC manager Joseph Herrera pertaining to Mr. Herrera's lack of response (all three letters enclosed).
- 11 Written complaint dated May 24, 2014.
- 12 Complaint regarding expenditure of SEC funds dated May 14, 2014 from Paul Walker.
- 13 Letter from Richard Sonnenfeld dated July 17, 2014 pertaining to SEC operations and support of a municipal acquisition.
- 14 Complaint from Barbara Moore dated August 2, 2014 complaining about the actions of the SEC Board.
- 15 Complaint from Carroll Pittman dated August 1, 2014 regarding behavior of the SEC Board.
- 16 Complaint from Ruth White dated August 6, 2014 regarding the actions and attitude of the SEC Board and SEC Manager.
- 17 Complaint from Santos Aragon dated July 18, 2014 regarding the award (by the SEC Board and management) of scholarships.
- a. City Council minutes of August 4, 2014 included.
- 18 Complaint from Sid Vinyard dated August 13, 2014 regarding multiple SEC operation issues.

- 19 Letters to the Editor of the local newspaper (El Defensor Chieftain) dated:
- a. 2014
 - b. 2013
 - c. 2012
- 20 2014 - Local newspaper articles pertaining to SEC operations.
- 21 2012 & 2013 - Local newspaper articles pertaining to SEC operations.
- 22 Articles from the Albuquerque Journal regarding SEC operations.
- 23 2013 Board Election – Ms. Amaro elected. Enclosed is the corresponding newspaper article regarding the unwillingness of the SEC Board and SEC attorney to recognize the outcome of the election (November 16, 2013). November 28, 2013 newspaper article and enclosed corresponding SEC attorney opinion stating “As a practical matter, none of the other trustee candidates intend to dispute the results of the election which was held Nov. 16 and at which Amaro received many more votes than any of the other three candidates. We also understand that none, except Ms. Amaro, intend to run again should the opportunity present itself in an election held within the year.” These two items clearly do not demonstrate a willingness to accept a democratic process.
- a. Memo from Wiggins, Williams and Wiggins to SEC Board.
 - b. DVD #3
 - 1. Wiggins, Williams and Wiggins dated November 21, 2013.
 - 2. Certification vote dated November 21, 2013.
 - 3. McGraw on Amaro election dated February 26, 2014.
- 24 November 21, 2013 newspaper article entitled “Co-Op Meeting a Jerry Springer Show” – article enclosed.
- a. November 18, 2013 City Council minutes regarding the SEC meeting enclosed.
- 25 City minutes dated December 16, 2013 stating that an employee representing SEC management “aggressively” approached a City Councilor regarding SEC operations. Also enclosed is a corresponding letter from Mayor Bhasker to SEC Manager Joseph Herrera.
- 26 Letter from the Tenth Judicial District Court Judge Albert J. Mitchell Jr. dated August 14, 2012 stating “It is and statutes.”
- 27 Letter from New Mexico Foundation for Open Government dated June 15, 2010 regarding open meetings.
- 28 Mayor’s letters dated August 20, 2014 to Keven J. Groenewold, NMRECA Executive Vice President & General Manager and Charles T. Pinson Jr., NMRECA President explaining the reasons for and a possible solution regarding municipal acquisition.

29 The City of Socorro holiday decorations have always been put in place through a joint effort between SEC employees and City employees. In the past three years, the SEC has required a \$50.00 fee per man-hour as well as a \$50.00 fee per hour for equipment.

In 2013, the City of Socorro Administration (rather than simply pay the SEC) contacted the City of Belen (40 miles north of Socorro and in a different County) to request a price for similar services. The City of Belen offered to provide assistance to our residents at no charge (pictures included).

30 On May 2, 2014, the City's attorney requested to inspect numerous SEC records. Many of the records requested were not provided, therefore, on August 14, 2014, a second request (for the information not received) was made and a written response dated August 20, 2014 was forwarded from the SEC to the City stating the numerous reasons the information could not be made available at this time.

31 Enclosed is a letter from SEC Board President Ann Dorough censuring Board Member Charlie Wagner for distributing an e-mail to Mayor Bhasker. It should be noted that the contents of the e-mail do not meet the guidelines (New Mexico State Statute) of a protected record, therefore, the item Mr. Wagner shared was a public record and Mr. Wagner had every right to provide the information. Censorship of this nature indicates the Board is not interested in the laws but rather their personal agenda.

Attached and highlighted are the exceptions to the public record law.

32 SEC Board of Trustees lawsuit against member/owners.

33 Legal fees for SEC and fees paid to Board members in previous years.

34 List of employees who have quit, retired or were fired by the SEC since 2011.

35 2012 incentive survey prepared by Touchstone Energy.

36 Voting districts as it pertains to municipal residents.

RESOLUTION No. 14-06-16

AUTHORIZING THE CITY ADMINISTRATION TO: RECEIVE COMPLAINTS CONCERNING SOCORRO ELECTRIC COOPERATIVE, INC. (SEC) AND INVESTIGATE THE FEASIBILITY OF ACQUIRING THAT PORTION OF SEC SERVING THE CITY OF SOCORRO.

WHEREAS, the franchise authorizing SEC's use, rental and occupancy of the City of Socorro rights-of-way has expired; and

WHEREAS, the City has been inundated with constituent complaints regarding SEC's rates and service quality; and

WHEREAS, SEC has been completely unresponsive to constituent complaints regarding SEC rates and service quality; and

WHEREAS, SEC's rates and poor service quality have been an impediment to growth and economic development in the City; and

WHEREAS, SEC has been unable to assemble a quorum of its membership in over two years in order to conduct routine business; and

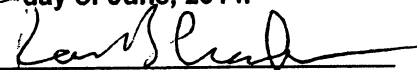
WHEREAS, SEC's bylaws, Board composition and inability to assemble a quorum have contributed to SEC's rate and service quality issues and its ability to be responsive to the City and its constituents; and

WHEREAS, the City desires to receive complaints concerning SEC and investigate the feasibility of acquiring that portion of SEC serving the City of Socorro.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOCORRO:

1. It is in the public interest to: receive complaints concerning SEC and to thoroughly investigate the feasibility of acquiring that portion of SEC serving the City of Socorro.
2. The City Administration is directed to designate a City location which shall receive any constituent complaints regarding SEC.
3. The City Administration is directed to investigate the feasibility of acquiring that portion of SEC serving the City of Socorro including in particular:
 - a. The prerequisites to any municipal acquisition of a utility system and the necessity for an election on the issue;
 - b. Available funding sources for such acquisition;
 - c. The service territory to be served and the assets that would have to be acquired to accomplish that service;
 - d. The City's authority to acquire such assets via eminent domain; and
 - e. The value of the SEC assets to be acquired.
4. The City Administration is also authorized to evaluate/explore the possibility of having another franchise become the provider of services for the entire SEC service area.

Passed, Approved and Adopted this 16th day of June, 2014.


Ravi Bhasker, Mayor

ATTEST:


Pat Salome, City Clerk

REQUEST TO INSPECT RECORDS

January 22, 2014

TO: Mr. Joseph Herrera, General Manager
Records Custodian
Socorro Electric Cooperative, Inc. (SEC)

FROM: James Cherry
805 Kelly Road
Magdalena, NM 87825
575-854-2557

I would like to inspect and copy the following documents:

1.) Professional Services Invoices from 1/1/ 2010 to 1/1/2014 for legal services from the attorneys and law firms listed as follows:

Dennis R. Fransich, Lawyer;

Paul Kennedy, Attorney and Kennedy & Han Law Firm;

Darin Foster, Attorney and Foster & Moss Law Firm;

Lorna Wiggins, Attorney and Wiggins Williams & Wiggins Law Firm;

Ira Bolnick, Attorney-Investigator ;

Ira Bolnick, Attorney- Investigator as sub-contractor to Wiggins Williams & Wiggins Law Firm and Ira

Bolnick, Attorney- Investigator as sub contractor for Lorna Wiggins, Attorney.

2.) Copies of the Letters of Engagement, Attorney – Client Contracts, Attorney – Sub Contractor Agreement arrangements, and copies of the minutes of meetings of Socorro Electric Cooperative Board of Trustees appointing, authorizing, re-appointing and/or renewing the agreements, contracts, etc. of the attorneys and law firms listed above.

3.) I request electronic delivery and copies of the items requested if available. Please advise me of the cost involved.

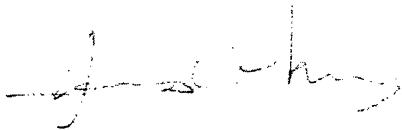
If the SEC does not maintain these records, please let me know who does, and include the proper custodian's name and address.

I understand that I may be asked to pay the fee for copies in advance before you make any copies. As an option, I can bring a flash drive for you to upload copies of the documents and save expenses involved.

Please provide a receipt indicating the copying charges for each document.

Thank you for your prompt attention to this matter.

Sincerely,



James Cherry

FOLLOW-UP ON REQUEST TO INSPECT RECORDS

March 31, 2014

TO: Mr. Joseph Herrera, General Manager
Records Custodian
Socorro Electric Cooperative, Inc. (SEC)

FROM: James Cherry
805 Kelly Road
Magdalena, NM 87825
575-854-2557

Re: Partial compliance with my Records Inspection Request of January 22, 2014 for Legal Services Invoices and Contracts dated from 1/1/2010 to 1/1/2014.

Mr. Herrera:

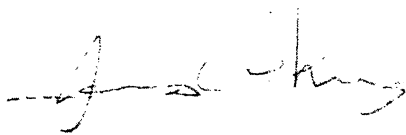
After reviewing the documents supplied per my January 22nd request under the IPRA, we find serious issues with your compliance.

You did not supply a complete file of documents requested. Invoices are incomplete with entire years missing and gaps within years furnished. Invoices supplied are heavily and unnecessarily redacted with the redactions seemingly done on at least two separate occasions.

The only attorney agreement supplied was that of Dennis Francish. Sub-contractor Ira Bolnick, Attorney-Investigator's billing through Wiggins, Williams & Wiggins is present but the contract with Mr. Bolnick is absent. All other contracts are also missing.

The charge of \$1.00 per page, even on pages nearly blank, can only be interpreted as an attempt to discourage access to documents you are required by law to provide. The charge is unreasonable and punitive. Complaints on this issue will be made.

I request that you correct the compliance deficits by promptly providing un-redacted copies of all invoices as originally presented to the SEC for the years 1/1/10 to 1/1/2014 along with copies of Letters of Engagement, Attorney-Client Contracts, Attorney- Subcontractor Agreements, etc. as originally requested. There has been enough improper delay on this request.



James Cherry
CC: Anne Dorough

Subject: James Cherry- informedcynic -- Trustee information request- Pending Litigation
From: "Charlie Wagner" <cawagner@gilanet.com>
Date: 6/19/2014 10:00 PM
To: "Joseph Herrera" <jherrera@socorroelectric.com>, "Anne Dorough" <doroughai@gmail.com>, "Melissa Amaro" <melissab1973@msn.com>, "Dave Wade" <district4@socorroelectric.com>, "Leo Cordova" <district1@socorroelectric.com>

Dear Joseph,

Mr. Cherry informed me that you failed to respond to his complaint over missing documents, and grossly redacted documents, from those he requested through the IPRA provisions of the bylaws. Instead, he received a letter from Lorna Wiggins. The excuse she used for the redacted and missing documents was "Attorney-Client privilege" and "pending litigation". I am aware of only one pending case. **Please send me by reply, the list of pending litigation involving the co-op.** Please include the Courts involved, the Case numbers and titles. This is information to which all trustees are entitled, and of which the membership should be informed.

Anne Dorough, Pres. has claimed that the co-op is complying with the bylaws over which the members were sued. She is obviously not aware of either, your practice of refusing to comply with the bylaw, or of Mr. Cherry's complaint and his letter to the editor published in the 'Chieftain.

As we all agree, the "Members Democratically Control" the co-op. The board has a duty to inform the members. They must be informed as to how their property is being managed. Their expectation is that it is being managed in their best interest. They may believe that if they can see how each dollar spent really benefits them. That means they have a right to look at every invoice the co-op pays un-redacted, even if the co-op pays through a conduit.

Your quick response to my request of the litigation list is expected and appreciated.

Sincerely,

Charlie Wagner, Trustee
Socorro Electric Cooperative, Inc.

May 24, 2014

Dear Mayor,

I am writing to let you know of my support for the city acquiring the Co-op's assets and running the electric utility.

You will get a significant amount of criticism from those who always are comfortable with the status quo. Do not let that criticism cloud the fact that the Co-op has deteriorated to a low quality operation.

My first job after college was as a foreman for the Bell Telephone company with responsibility for outside plant maintenance. I

know poles & cable very well. And frankly, it's not that hard to maintain and construct. The Co-op

is not trying to drive down rates or innovate in their service delivery.

Socorro will be better off with a city-owned power company.

Regards,
Steve Hollis
Tax Help New Mex - Socorro site

May 14, 2014

Mr. Joseph Herrera, General Manager, Socorro Electric Cooperative
215 Manzanares Ave., PO Box H
Socorro, NM 87801

RECEIVED
SOCORRO ELECTRIC

MAY 13 2014

COOPERATIVE INC.
SOCORRO, NEW MEXICO

Dear Mr. Herrera:

This request for public information is pursuant to earlier gross data requested from SEC. The effort here is to be as specific as possible in order to minimize effort and time expenditure by SEC staff and insure that the exactly requested data is provided. My aim is to minimize effort and insure effective action. Should there be any questions regarding exactly what is requested, please contact me to enable clarification. My e-mail address is: profinsad@gmail.com

1. With regard to outside accounting services purchased by SEC, please identify the dates of, and exact nature of duties/services performed, by Bryce Wilson that led to the payment checks of \$23,979.17 as dated December, 2012; \$21,698.54 as dated September 10, 2013; \$11,942.00 as dated December 11, 2013; \$16,202.56 as dated January 10, 2014; and, \$13,212.39 as dated March 27, 2014. Kindly provide discrete information that shows precisely what the vendor actually did to earn these SEC payments.

2. Bank statements provided by SEC show account (#DDA-0000033944) balances for "Capital Credits" ranging from \$44,506.94 on 12/31/11 to \$14,236.57 on 1/31/14. Aside from those reported cash balances, please identify the specific nature and location of all other SEC capital credits assets, and any indebtedness associated with the "capital credits" on the dates of the SEC annual audits for the fiscal years 2004 through 2013.

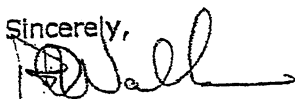
The request here is for the specific identification and location of each and every "capital asset". This means: the address and signatory owner if the "asset" is real property; the holder and signatory person if the "asset" is a loan by SEC or any form of mortgage or lease; the actual location and person responsible for any other form of "capital credit" amount in SEC. In other terms, kindly report every aspect - amount, form and person responsible - of all SEC "capital credits" extant on the annual audit date during the noted 10 year period.

3. In correspondence dated April 8, 2014, SEC Board member Anne Dorough stated costs ranging from \$6,919.82 to \$15,616.00 for conduct of various SEC district meetings in 2013 -- yielding a total of \$60,095.40. Thus, the average cost of district meetings was \$12,019.08.

Please provide a specific cost breakdown listing all such expenditures for the conduct of those individual district meetings. Also, kindly provide narrative explaining why the district II and III meeting costs averaged \$15,071.09 each as compared with the cost of \$6,919.82 for the district IV meeting.

Thank you for your attention to these matters, and kindly send a copy of this letter to all SEC Board members.

Sincerely,



Paul D. Walker
P.O. Box 279
Quemado, NM 87829

Richard Sonnenfeld

rsonnenfeld@gmail.com

129.138.41.61

Submitted on 2014/07/17 at 7:50 pm

I am in support of the City of Socorro acquiring the Socorro Electric Coop. I have closely watched the performance of the Board of Directors of the Coop for the past five years. They are not trustworthy because they seem to consider their position in terms of personal benefit rather than customer service. I personally am an expert in electricity, high-voltage and lightning effects but I would not serve on the current board because it would too aggravating. They keep rates higher than elsewhere in the state, and argue among themselves rather than advancing the state of the coop. With global warming a crisis, they advocate for coal power. After five years of member outrage the board continues to believe that the dissatisfaction with their performance is limited to a few and they quibble over member language rather than trying to discern member intent. Sadly, once an organization is this dysfunctional it cannot really be repaired, but it must be replaced.

In contrast, the leadership and staff of the City of Socorro are generally honest and professional and they have processes to expose and punish corruption when it is discovered. I will be sad for those who must get their power from what remains of the coop once the City of Socorro takes over the right of way. However, this banana-republic style of organization makes our City look extremely unprofessional and thus is likely to discourage future prosperity and business development.

City Coop Information

From: Barbara Moore <bcgbmv@gmail.com>
Sent: Saturday, August 02, 2014 10:28 AM
To: City Coop Information
Subject: Solar Panels

We have solar panels but I always have an electric bill to pay. Only once this summer, did we get a credit, and it was only a couple of dollars. I have enough panels to meet our needs but the compensation we get is only the wholesale price but I must pay retail even though we are providing "green energy" which is supposed to be compensated at a higher rate, not a lower one. This is very unfair and the panels will NEVER pay for themselves at this rate. I discourage anyone who asks about installing panels.

It is also impossible for me to attend the SEC meetings because of the sqwabbling and rudeness such as I have NEVER witnessed at any meeting ever. The only civilized person there is Charlie Wagner and I don't know how he can even stand the rest of them. They do all in their power to keep him from saying anything. What kind of people would say to a board member; "Shut up, Charlie"? That is what they do and I can't stand them any more .I also can't go the meetings because they have now set them during my business days and hours. We need responsible and normally behaving people on this board. It does not exist for their monetary benefit as they (except for Charlie Wagner) seem to think. Something definitely needs to be done about these people. Barbara Moore Versluis

City Coop Information

From: Carol Pittman <pittray@gilanet.com>
Sent: Friday, August 01, 2014 9:47 PM
To: socorroreview@gmail.com
Cc: City Coop Information
Subject: Socorro Electric Co-op

Hello,
Some time ago we in District 5 of the Socorro Electric Co-op voted to amend the SEC by-laws. Since that annual district meeting, which was well attended, the Board of the SEC has successfully blocked the amendments by various manipulations of the rules. This attempt to thwart the will of the people, who followed the rules as spelled out, is very unfair and should not be allowed to stand. It is obvious from this effort and other egregious behaviors of the Board toward their members (like suing them!) that the good of the members is not a motivating factor for management and trustees. The constant animosity toward a reform member of the Board, who does act for the good of the members in his activities on the Board, is also disheartening, and presents a spectacle to the public that is not in its favor.

It has been an enormous struggle to bring this Board into conformity with its own rules and to persuade it to act for the good of the members. One Board member has carried most of the burden, and it is thanks to him that any improvements have been made. This kind of situation is not healthy for any company and I would be in favor of seeing the SEC taken over by the city of Socorro as a public utility provided we in rural areas would still be served.

Thank you for your attention to this comment.
Carol Pittman
Datil New Mexico



CITY OF SOCORRO
P.O. BOX K
111 SCHOOL OF MINES RD.
SOCORRO, NEW MEXICO 87801

COMPLAINT FORM PERTAINING TO
THE OF DELIVERY OF SERVICE & CUSTOMER SERVICE OF
THE SOCORRO ELECTRIC COOPERATIVE, INC.

(Copy of completed form will be submitted to the NMPRC)
APPROVED BY THE CITY COUNCIL AT THE JUNE 16, 2014 MEETING

* designates required field

Customer Contact Information (The name on your SEC bill or account)

*Customer Name: RUTH WHITE

Account Number: _____

*Phone Number: 858 4367

*E-Mail Address: ruthwindwhite@gmail.com

Service Address

*Street: 704 NEEL AVE

*City: SOCORRO

*State: NM

*Zip: 87801

*Please describe your complaint: My complaints deal with the attitude and actions
of the SEC board, the manager of the SEC and the minions of
lawyers representing the board. Thus I do not write of a single
incident, but a catalogue of indifferent or hostile treatment
by the board toward the members spanning many years.

Please refer to attached.

(Be sure to indicate specific dates and people you've talked to at the SEC about this complaint.)

Please attach any relevant documentation such as copies of the bill(s) in dispute, cancelled checks, copy of your policy, receipts, etc.

If you prefer, you may send additional documentation via email: ppineda@socorronm.gov or via fax: 575-838-4027

Suggested Resolution: 1. The board should represent member/owners.

2. Streamline the one year meetings to enable use of the registra-

tion count to be considered the quorum count. 3. Hold monthly

(What do you think the SEC should do to make this situation right?)

meetings after 5pm to accommodate member attendance.

The information provided on and with this form is true and correct to the best of my knowledge and belief. I am enclosing copies of any correspondence or other documentation in my possession that may be of assistance.

4. Release capital credits in a timely manner and when service is terminated.

Signature: _____

Date: _____

5. Members should have a say in the law firm hired.

Ruth White
RUTH WHITE

August 6, 2014

Complaint form continued:

The board has spent lavishly on itself: trips, dinners, parties, scholarships for their children. When this behavior was finally challenged, they sued the member/owners. Note that the board was following the advice of the lawyer who--paid by the members--claimed to represent the board. At this same time, it was clear "housekeeping" was in a mess since the manager and another employee were accused of embezzlement.

After representatives of the attorney general came to Socorro to explain the Open Meetings Act, members were allowed to speak at the monthly board meeting for a regimented two minutes. On two occasions I have listened to (what sounds like) legitimate concerns over mishandling of a matter. The board ~~seem~~^{ed} stoney-faced, gave no hint of hearing and offered no promise of a follow-up. The speaker might just as well be intoning the A B C's. The executive session is supposed to deal with personnel matters (as I understand it) but seems instead a convenient escape for any matter the board wishes to keep secret from the members.

Recently in the ENCHANTMENT magazine, billed as the voice of New Mexico's rural electric cooperative, there were four pages consisting of lists of names of people who are owed capital credits and could not be found. No wonder since capital credits are not returned when electric service is terminated. Many of the ~~pe~~^ople on the list have left the area or they have died. Their ~~heir~~^{heir}s could collect, but how would they ever know the bizarre customs of holding on to the credits for thirty years (1984 through 1988).

The yearly meeting is one in which members are supposed to be able to change, propose and/or vote on bylaws. (Some question here as to what is in the bylaws and what is merely a matter of practise). To follow procedure, there must be a quorum of members. Quorum count is not decided by the number of votes cast by machine (registration). Instead, after a very lengthy preliminary to the meeting after registration there has been a question regarding whether enough members are still in attendance to constitute a quorum. This question is decided by SEC employees who wander through the audience to count by hand the number of people wearing the registration arm bands. Often the count is questioned and carried out again. At one meeting after one such count it was determined (by the board) that a quorum was lacking by a count of ONE person.

Once a quorum is established, the board calls on their lawyers (paid by the members) to interpret the bylaws.

These meetings should be meetings dispensing with the preliminaries: Trooping of the Colors, salute to the flag, singing the Star Spangled Banner, innvocation, introduction of employees, speeches/manager's report.

Monthly meetings were at one time held at 5:30 so the public could attend. Now they are held at 2pm. When Melissa ran for board office (and was elected) the meetings were at 5:30. Because she is employed, it is difficult for her to attend afternoon meetings. This scewers the vote.

Is the manager really worth what he is paid? He does not live in Socorro and along with his pay, collects travel expenses.

To: Vicky Deaguero
From: Santos Aragon
Subject: Issues & Concerns regarding Socorro Electric Cooperative
Date: July 18, 2014

Let me start off by thanking you for your time and your professionalism speaking to me on the phone. As I discussed with you on the phone my concerns regarding the Socorro Electric Cooperative, you will find a list below stating my concerns and issues. I believe the SEC is very inconsistent and in compliance with the policies, procedures and by laws.

- **Estimation of meter readings:**

According to regulation 410/C more than two consecutive billing periods without prior notification to the commission, nor for an initial or final bill for service, unless otherwise agreed to by the residential customer and the utility. Regulation 410/F If a utility underestimates a residential customer's usage and subsequently seeks to correct the bill, the residential customer **shall** be given an opportunity to participate in an installment agreement with regard to the underestimated amount. Furthermore effective by rule no. 24, operation of law sec. 62-8-7 and G. O. No. 2, sec. 20 dated 5/30/1985 states that (D) when an estimate is required due to lack of reading on a particular location, the estimate **will be based on the average of the actual usage history available for the past three (3) actual readings.**

On multiple occasion I feel SEC did not follow these laws put in place by the SEC. The most recent violation that this occurred was the billing cycle from 6/04/2014 to 7/15/2014. This bill was estimated based on usage from July 2013. This is not in compliance with rule no. 24, sec. 62-8-7 and G. O. No. 2, sec. 20 dated 5/30/1985. In 2009 I experienced a similar situation where SEC underestimated my usage for four months. I received the corrected bill for over \$800 and was told it had to be paid before the next billing cycle. Again SEC violated regulation 410 by not giving me the opportunity to participate in an installment agreement with regard to the underestimated amount. I also feel it is unethical to be threatened by Frances Herron, Melissa Amaro and Joseph Herrera, on a Friday afternoon that my meter would be pulled if balance was not paid in full by Monday. In February 2013 I received a combined bill for \$1174.41. With 4 small children and the heart of winter I could not be without electricity to heat our home. My average use was running 1373 KWH or \$171.68 per month in prior to these two months. This was a shock to our monthly budget. The SEC offered no assistance or alternative other than pulling my meter on Monday if the balance was not paid in full.

- **Defamation of character:**

In February 2013 I phoned the SEC concerning my usage. On a conference call with Frances Herron, Melissa Amaro and I, after discussing my concerns the call seemed to be over. Melissa and Frances did not realize the conference call was not hung up and proceeded to defame my character. "Maybe he should pay his bill and stop his stupid complaining". I waited for a few moments before I spoke up. I asked Frances who she was saying this to and she replied "it was some customer". This is extremely unprofessional to be discussing my bill with customers. I immediately

contacted Joseph Herrera the GM and Leo Cordova, board member and district representative concerning this issue. Joseph said he would address the issue. I heard no further response or follow up for this issue.

- **Violation of Scholarship Policy:**

In accordance to scholarship policy, students must meet the following criteria:
Senior in High School
Parents or legal guardian must be an SEC member
Grade Point Average

I spoke with Donna Wilkins on July 17, 2014 at 4:43 p.m. to confirm the criteria. In 2013 at least 3 candidates applied for the scholarship. The two recipients were related to the board member of the district. If the SEC would have followed the policy the third applicant should have received the scholarship based on GPA. When I approached the board member he said he did not even know a third applicant, who is my son, had even applied. This shows that the recipients were predetermined even before applications were reviewed. Also, it was said by another board member that there have been donations made to other organizations using the scholarship monies. To my understanding of the scholarship fund, this money should only be used for furthering education of students within the SEC.

- **Additional comments:**

I spoke with Joseph Herrera, Mary and David Montoya on 7/16/2014 concerning my estimated bill for last billing cycle. I find it very disturbing that Mr. Montoya being the supervisor of the meter department would tell me I should read my own meter. He said he reads his own meter because he does not trust the readings.

I have attended meetings in the past and have voiced my concerns, which seem to fall on deaf ears. Unfortunately the monthly meetings have changed from 5:30 pm to 2:00 pm which makes it very difficult for members that work to attend these meetings.

I want to again thank you for your time in addressing my issues and concerns regarding the Socorro Electric Cooperative.

Best Regards,

Santos Aragon



7/18/14

City of Socorro Regular City Council Meeting
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Mayor Ravi Bhasker called the meeting to order at 6:00 p.m. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Donald Monette, Councilor Toby Jaramillo, Councilor Michael Olguin and Councilor Mary Ann Chavez-Lopez. Councilor Gordy Hicks, Councilor Peter Romero, Councilor Ernest Pargas and Councilor Nick Fleming were absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF AUGUST 4, 2014 CITY COUNCIL MEETING AGENDA

Councilor Monette made a motion to approve the agenda as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. July 21, 2014

Councilor Monette made a motion to approve the minutes as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Councilor Monette stated that at the previous City Council meeting, in regards to the final budget approval, he requested the Chapter be changed from 4 to 13. Councilor Monette stated that the reference to Chapter 4 is correct and does not need to be changed.

PUBLIC FORUM

a. Benny Barreras – Comments on City Water Rights Lease

Mr. Barreras spoke against diverting water from the San Augustine Plains to other outside areas. Mr. Barreras stated that he thought the City would be doing the same thing with the City's water. Mr. Salome explained that the City would be leasing the water rights to local farmers in order to use the unused City water rights to bring water into the area. Mayor Bhasker stated that the Kokopelli Ranch applied to claim water rights to sell water like the San Augustine Plains proposal and that this would actually infringe on the City's watershed. Mayor Bhasker stated that the Kokopelli Ranch did not get adjudicated all the water rights that they asked for and the request was severely cut. Mayor Bhasker stated that NM Tech protested the request and he feels it is important for people to protest if they feel that they have an opposing view. Mayor Bhasker stated that he feels water rights are the same as property rights. Mr. Salome stated that by leasing the City's water rights (to local area residents), it will bring more water into the area and allow farmers who may not have water rights with their property to continue farming.

b. Santos Aragon – Comments Regarding the SEC

Santos Aragon, an SEC member/owner of District 1 (northern Socorro County), stated that in a survey done by Touchstone Energy in 2012, the SEC rated below the national benchmark on several items including "handles problems promptly", "good value for the money" and "a name you can trust". Mr. Santos stated that the survey also showed a low customer satisfaction rating. Mr. Santos stated that he feels people opposed to SEC policy are fighting for fairness. Mr. Santos stated that he was disgusted by the last SEC meeting where the SEC Board wanted to censor Trustee Charlie Wagner. Mr. Santos stated that when a motion was made to vote on the censorship even though Mr. Wagner was not there, the motion was immediately seconded and passed with little discussion which he feels was not right. Mr. Santos stated that in 2013, his son applied for an SEC scholarship (\$1,000 per year). Mr. Santos stated that the SEC, which normally only awards one scholarship in Belen, awarded 2 scholarships, both to family members of SEC Board of Trustee Leo Cordova. Mr. Santos stated that when he contacted SEC Trustee Leo Cordova, Mr. Cordova stated that he never knew Mr. Santos' son applied for the scholarship. Mr. Santos stated that he contacted other cooperatives in New Mexico for their cost per kilowatt of electricity. Mr. Santos stated that the SEC has the highest cost per kilowatt. Mr. Santos stated that when he questioned the rates, "they (co-op management) blew me off" and stated the information was wrong. Mr. Santos stated that there is no honesty and no self-regulation. Mr. Santos stated that he has sent letters regarding the scholarship and has not received a response. Mr. Santos stated that he has also filed a complaint with the PRC. The material

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provided to the City Council by Mr. Santos has been filed under the heading "Aragon, Santos (SEC)" in the City Clerk's Office.

Mayor Bhasker stated that the City has requested the member/owners have a meeting and vote on the direction that should be taken.

Councilor Hicks arrived.

Mayor Bhasker stated that there are seven tenants of cooperatives that are not being fulfilled and how do we get the SEC to modify their behavior to get them to operate this co-op within the tenants. Mayor Bhasker stated that the City Administration is meeting with the consulting firm hired by the SEC on August 27th at which time the Administration plans to give them the information it has gathered regarding the SEC. Mr. Wagner explained how the SEC became a member of Touchstone Energy and the results of the survey mentioned by Mr. Santos earlier.

Marie Watkins stated that the SEC's general manager came to Socorro from the Salt River Project. Ms. Watkins stated that after some investigation, she found that customers were dissatisfied during his tenure there. Ms. Watkins provided a handout with information regarding compensation of the SEC trustees from 2006 to 2010. Ms. Watkins stated that in regards to capital credits, there is a statement about the credits in the Enchantment Magazine that states members are entitled to their capital credits (Ms. Watkins read the statement).

Charlene Wagner gave a handout with contact information for the consulting firm hired by the SEC as well as contact information for the City of Socorro. Ms. Wagner stated that the members need the information in case they choose to provide documentation regarding the SEC. Ms. Wagner stated that the contract between the SEC and the consulting firm stated a link with the information would be on the SEC's website but that the link is not there.

Councilor Olguin asked about the goal of the consulting firm. Ms. Wagner stated that the firm was hired through NRECA to look into the SEC practices. Ms. Wagner stated that the firm will look at all of the data collected about the SEC and make recommendations, per the contract, to the members. Ms. Wagner stated that there is a bank/company that could give the SEC funds to fight a municipal acquisition. Mayor Bhasker reiterated that the City would like to see a meeting of the member/owners to vote on the direction that they would like the co-op to take.

Councilor Olguin asked how the SEC determines their rates. Mr. Wagner stated that a consultant develops new rates for the SEC. Mr. Wagner stated that the Board of Trustees then votes on whether or not to implement the rates. Mr. Wagner stated the rates are then sent to the PRC. Mr. Wagner stated that if 25 people object to the rates, the PRC freezes the current rates and does a cost of service analysis to determine if the rates are fair. Mr. Wagner stated that the PRC will then make a decision regarding the rates. Mr. Wagner stated that if 25 people do not object, the SEC moves forward with publishing and implementing the new rates. Mr. Wagner stated that the last rate increase occurred because the SEC was in "constructive default".

Councilor Olguin asked how often the general manager's contract is reviewed by the Board of Trustees. Mr. Wagner stated that the Board of Trustees has 2 important jobs – hiring a general manager and overseeing the performance of the manager. Mr. Wagner stated that when he has tried to "oversee" the manager, he "gets in trouble" and nobody wants to hear the complaints. Mr. Wagner stated he feels a strategic plan should have been created and given to the manager and the manager's compensation should be based on whether or not he complies with the strategic plan. Mr. Wagner stated that everything the SEC does is based on how well the manager is meeting his obligations.

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Rachel Lucero, along with her mother Mary Lucero, stated that her electric bill is high and she has been unable to get an explanation from the SEC as to how the rates are calculated. Ms. Lucero stated that she feels uninformed as to what her options are in trying to get answers from the SEC and that is why she attended the City Council meeting. Mayor Bhasker asked Ms. Lucero to provide her concerns in writing so that it can be submitted to the consulting firm and to make sure to document who she speaks to when she calls the SEC offices. Mr. Salome stated that he feels it is a failure on the part of the management of the SEC that customers feel disconnected and do not understand their role.

Eric Stargardt stated that he feels the Co-op is an easy target to go after. Mr. Stargardt stated that he likes the fact that Socorro has a co-op. Mr. Stargardt stated that he doesn't feel going through PNM or any other party would be ideal in giving the members more of a voice. Mr. Stargardt stated that he feels there is room for improvement in the SEC. Mr. Stargardt stated that he has gone into SEC offices and was able to speak to a manager and get answers to his questions. Mr. Stargardt stated that he would like to see changes in the SEC disconnect policy. Mr. Stargardt stated that there are problems with regards to getting and maintaining a quorum at member meetings. Mr. Stargardt stated that hiring a private mediator to run the meetings might help. Mr. Stargardt stated that he feels the employees at the SEC will work with customers and that the linemen do a good job. Mayor Bhasker agreed that a mediator may help in the running of the meetings. Mayor Bhasker agreed that the linemen do a terrific job. Mayor Bhasker stated that he would like to see some dialogue but the SEC has been unwilling to get a dialogue started.

c. Infrastructure Capital Improvements Plan (ICIP) – Public Input

Mayor Bhasker stated that the City is currently working on its ICIP and asked anyone who would like a project added to the ICIP to present their information to the City for consideration. Mr. Salome provided a ranking sheet and asked the City Council to rate their top five priorities as they would like to see them appear on the list. Mayor Bhasker stated that he would like to see the rodeo arena/soccer fields remain as the top priority as the project is ongoing and approximately \$500,000 is needed to complete the project. Councilor Monette asked if the \$583,700 in loan funds for wastewater treatment plant improvements will complete the project. Lloyd Martinez, Wastewater Superintendent, stated that it will upgrade the plant to last 10 to 15 more years.

SECOND READING OF ORDINANCES – CONSIDERATION OF APPROVAL

a. Ordinance No. 14-07-07 – Wastewater Treatment Plant Improvements Loan

Mayor Bhasker presented Ordinance No. 14-07-17 which, if approved, will authorize the City of Socorro to enter into a loan agreement with the New Mexico Environment Department for the purpose of obtaining wastewater construction loan funds in the amount of \$583,700. Mayor Bhasker stated that it has been 20 years since the plant was rehabilitated and the changes are necessary.

Councilor Hicks made a motion to go into public hearing. Seconded by Councilor Monette, motion passed unanimously.

Mr. Martinez stated that the loan funds will go towards replacing the bar screen, influent pumps, panel and blowers. Mable Gonzales, City Treasurer, stated that the loan will be paid with revenues from the Joint Enterprise Fund.

Councilor Hicks made a motion to go back into regular session. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Councilor Hicks made a motion to approve Ordinance No. 14-07-07. The motion was seconded by Councilor Monette. After a roll call vote, motion passed unanimously.

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DISCUSSION AND DELIBERATION

a. Public Hearing – Liquor License Application – Restaurant Beer and Wine License with On Premise Consumption Only – Twisted Chile Brewing Co.

Councilor Olguin made a motion to go into public hearing. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Mayor Bhasker stated that Twisted Chile Brewing Co. has requested a Restaurant Beer and Wine License with On Premise Consumption Only which has to be approved by the local Governing Body. KC and Stephanie McFadden, the owners of Twisted Chile Brewing Co., thanked the community for their support of the new business. Ms. McFadden stated that the business has already received their Small Brewer's License.

Councilor Hicks made a motion to go back into regular session. Seconded by Councilor Olguin, motion passed unanimously.

Councilor Hicks made a motion to approve the Restaurant Beer and Wine License with On Premise Consumption Only for Twisted Chile Brewing Co. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

b. Diana Holzheu – Request to Create Public Access

Ms. Holzheu did not attend the meeting.

c. Resolution No. 14-08-04 – 5311 Rural & Small Urban Public Transportation Program

Mayor Bhasker presented Resolution No. 14-08-04 which, if approved, allows the City to request funding for a public transportation system through the 5311 Rural and Small Urban Public Transportation Program. Mayor Bhasker stated that in making the request, the City will commit and have a funding match which will be funded through the City's general fund. Mayor Bhasker stated that the amount of matching funds to the City is \$129,465.90.

Councilor Monette made a motion to approve Resolution No. 14-08-04. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

d. Construction Bid Award – Waterline Replacement Project

Mayor Bhasker stated that the low bid for the waterline replacement project did not comply with the State's requirements regarding certain documents. Mayor Bhasker stated that the third lowest bidder, J & D Construction, did comply. Mayor Bhasker stated that the Administration is recommending that the City Council accept the base bid from the third lowest bidder. Mayor Bhasker stated that NMED and the NMFA asked the City to decline the first and second lowest bidder as their bids were nonresponsive. Councilor Monette stated that according to Procurement Code, J & D Construction was the lowest responsive bidder and the other two bidders were nonresponsive. Mayor Bhasker stated that the approval should be contingent upon NMED's approval for the base bid only. Mr. Martinez stated that the reference checks were completed for J & D Construction and they were all good. Mr. Martinez stated that if J & D Construction is not willing to honor the prices they presented, the entire project will go out for re-bid.

Councilor Hicks made a motion to award the construction bid to J & D Construction for the base bid only contingent upon NMED's approval for the base bid. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

COMMITTEE REPORTS

Councilor Olguin stated that he has been in contact with the NM Finance Authority in regards to applying for grants for economic development planning. Councilor Olguin stated that he will provide the information to the City Council once it is received.

NEW BUSINESS

None.

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OLD BUSINESS

Councilor Hicks showed a photo of the new van acquired by the El Camino Real Housing Authority.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. New Mexico Municipal League – Voting Delegate

Councilor Jaramillo made a motion to appoint Councilor Hicks as the voting delegate for the City for the 2014 Annual NM Municipal League Conference. Seconded by Councilor Monette, motion passed unanimously. Councilor Romero was named as the alternate voting delegate.

b. Developing a Dispatch Department

Mayor Bhasker presented a flow chart for a newly-proposed Dispatch Department. Mayor Bhasker stated that many other entities have their dispatch center separate from their Police Department. Mayor Bhasker stated that in separating the dispatch center from the Police Department, he feels communication with the Police Department will be more responsive and communicative. Mr. Salome stated that the dispatch center will continue to be located at the Police Department and that the separation is administrative in nature only.

Councilor Monette made a motion to approve the Administration moving forward with the separation of the dispatch center from the Police Department. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

c. Reporting on Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Josh Gonzales – 8-14-14 – Fire – Resignation

Peter Gonzales – 8-4-14 – Police – Completed Probation – A-35 to A-37

David Montoya – 8-18-14 – Landfill – New Hire (Landfill Operator II) – A-32

Joe Gonzales – 7-1-14 – Fire – Additional Job Duties - \$5221/mo to \$5686/mo

Seconded by Councilor Chavez-Lopez, motion passed unanimously.

d. Business Registrations

Councilor Hicks motioned to approve the business registrations as read by Mayor Bhasker:

G & T Products – Out of Town – Veguita, NM – Theresa Sanchez – Sales

Nail Technology Career Center – C-2 – 508 ½ California Street – Nail Technology School

Lucero Tree – R-4 (Approved by P&Z) – 606 Memory Lane – Manuel Lucero – Tree/Yard Service

Seconded by Councilor Monette, motion passed unanimously.

e. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, August 18, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 7:49 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Monette, motion passed unanimously.

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August 4, 2014**

THE CITY OF SOCORRO – a municipal corporation

 /s/
Ravi Bhasker, Mayor

ATTEST:

 /s/
Pat Salome, City Clerk

August 13, 2014

Attention: Mayor Ravi Bhasker
City of Socorro
111 School of Mines Road
Socorro, New Mexico - 87801

Re: Yet Another Example of Abject Incompetence by Socorro Co-op

Dear Mayor Bhasker:

Businesses do not run perfectly each day, including my own. However, should they fail to offer any "hint" of professionalism I would want to know, and that is what prompts this letter. Since The City of Socorro has invited member-owners to share their stories about about problems with the Co-op, I offer my experience. It is a perfect case-study in the confusion and lack of professionalism that is the hallmark of the organization.

The El Defensor Chieftain story about the Co-op censuring Charles Wagner, only further confirms that the Co-op is an organization that simply fails to grasp, or chooses not to grasp, the consequences of their actions. To the contrary, Mr. Wagner deserves a public award of gratitude, for trying to force change upon this ethically challenged group. Especially since their record demonstrates a purposeful disregard of operational and ethical integrity, and/or membership respect.

I have had family in Socorro County since before New Mexico was a US State, and my Great-Grandparents, Grandparents, Parents, other current family members and myself, have been Co-op members since the organization was founded. And throughout these 60+ years I have heard consistent complaints about the questionable administrative practices of an organization being run as a "private good ole-boys network", rather than a business operating in the "best interests of its member-owners". However, no changes were ever instituted until after Mr. Wagner arrived on the scene and upset the proverbial apple cart. Since you are a Public Official, and both a private and professional business person, I know that you realize the way in which the Co-op has historically operated, definitely raises serious proprietary concerns?

Although I am quite capable of handling my personal Co-op issues independently and seek no assistance, that is probably not the case with all member-owners. However, my personal experience does shed further light on how this operation functions, or fails to function as the case may be, in regard to a glaring lack of professionalism. After my Grandparents were both killed in a car wreck on Sedillo Hill in 1966, our family was not even aware of the Capital Credits issue. As such, I cannot factually confirm whether any payment related to such was ever received or not.. The same following the death of my Great-Grandmother in the 1970's, and the same after my Father's death in 1978.

Yet since I personally handled the utility transfer from my Grandparent's name into my Mother's name in 1966, and again when we deleted my Father's name in 1978, I clearly remember the "absolute hassle" required to accomplish this simple task. Even though my Mother was Estate Administrator AND only-child, this basic process required copies of a never-ending list of BOTH personal AND legal documents, ALL of which had to have NOTARIZED signatures. And I repeat: ALWAYS NOTARIZED documents. I again faced the same hassle following my Father's death, even though we only sought to delete his name, while leaving service in my Mother's name. At the very least it was NOT a simple office visit to alter or change the legally responsible party of service, but I just figured it was the unique way Socorro Co-op handled such matters.

Then as a result of my Mother's health issues in early 2000, I asked that her bill be mailed to me in Houston so I could pay it.. Yet in a "joint in-person" visit to Co-op offices, we learned that it required far more than could be accomplished while we were BOTH in the office. It was a repeat hassle to comply with the information required, and just like all prior service name changes, it included various copies of NOTARIZED documents. After my Mother passed away in 2011, I asked for the monthly bill to continue to be sent to me in Houston, as it already had been for a decade, but to transfer the service into my name. Once again I had to go through the same song and dance for a 5th time, which even included a demand for a copy of Mother's Death Certificate (attachment 1)! Once again, I thought this was just a nonsensical operational process unique to the Co-op.

Since I had also finally learned about the Capital Credits issue, I asked for Mom's credits to be retired (attachment 2). Please note the Capital Credit print-out (attachment 3) has absolutely ZERO "factual support" data for the dollar amount paid. A member number is listed, along with years of service, which listed her start date as 1986, since she rented her home out for a couple of years after my Father's 1978 death, before returning. There is NO data for service from 1978 until she leased her home, only upon her 1986 return. In addition, there is NO support data to inform a consumer WHAT forms the factual basis of the Capital Credit payment of \$629.91, which represents an annual credit of \$24.22 for 26 years (1986-2012) .Since the Co-op purposely fails to provide ANY such information, the amount paid out could just as easily have been \$60 or \$6,000, and a member-owner would be none the wiser. As ANY experienced businessperson knows, any accounting document so absurdly lacking in factual audit information is laughable. Yet the Co-op has followed this process for years!

And sadly, this sloppy business approach continues. Last year I rented the Magdalena house with an effective date of May 1, 2013, with the "original" rental document calling for the tenants to transfer electricity service into their name. However, the tenants had moved from Illinois and never lived in New Mexico, so they had NO New Mexico-based reference history and were not yet employed, so the Co-op turned down their original transfer request, due to a lack of sufficient verification documents. As a result, a "new" rental agreement left the electricity in my name, with the tenant reimbursing monthly. To the contrary however, the tenants refused to pay for electricity, using a false excuse that the billings exceeded actual usage. By mid-summer 2013, they even stopped paying rent, and basically became squatters.

I traveled to Socorro and personally went to the Co-op offices on Tuesday, August 6, and directed that the power to the property be disconnected. I was told that power could not be disconnected the same day, but would be disconnected the next day August 7. After the power was not disconnected August 7 as confirmed, I again called the Co-op on August 8, and left a message asking why the power had not been disconnected on August 7 as confirmed, and requested immediate disconnection. I got no reply from the Co-op, so I called a 2nd time on August 9 - 3 days AFTER my August 6 in-person visit - and left the same message, but again got no reply. Not until August 12 - 6 days AFTER my original August 6 visit - did I finally hear from the Co-op. Ms. Madrid informed me there were 2 persons at Co-op offices, asking to have the electric service transferred out of my name and into theirs. I told her that I had directed that the power be disconnected at the house 6 days previously on August 6, and had made not 1 but 2 follow up calls to confirm the action, but gotten no reply. Ms. Madrid, of course, was totally CLUELESS as to why the power had not been disconnected on August 7 as previously confirmed, nor why it was still connected 6 days later? Yet another perfect example of the operational incompetence that permeates this organization.

I also told Ms. Madrid that I was both the legal property owner and legally responsible party on the electric service agreement, and had the right to disconnect service. To this she replied: "Well, we have a document here with your signature, and HAVE checked with the NM Public Utility Commission, and been DIRECTED to transfer the service". This statement was completely false and had ZERO basis in fact. I also told Ms. Madrid that she DID NOT have a valid document with MY signature on it, because NO such document existed, to which she replied: "Well we have a document and I BELIEVE it is your signature". Really? How would she, or the Co-op make that determination? With that the call was ended, and the service transferred. As easy as that. The tenants did not have to provide a single, solitary shred of FACTUAL legal documentation, and absolutely ZERO NOTARIZED verification of ANY type, to confirm that ANY document presented was either valid, legal or currently in force. Nothing! So even though the Co-op refused to transfer service to these same persons 4 months earlier because they LACKED sufficient documentation, the Co-op suddenly DID transfer service while requiring NO documentation or verification. And they did so even AFTER being informed by the legally responsible party NOT to do so — not once, or twice, or three times, but four times!

Two total strangers simply strolled into Socorro Co-op and asked to have the power switched into their names, from an account location where power had been in the same family for 50+ years. And the Co-op did so even AFTER the legally responsible party and legal owner, had directed the power to be disconnected, and had done so both in-person at Co-op offices, AND by phone, AND by fax, and had informed the Co-op that "whatever" documents they had been presented WERE NOT VALID. Yet none of this made one iota of difference to the Co-op. Such absolute incompetence by any business, let alone a utility company, is beyond stupidity. However, such unprofessional performance is not the fault of individual employees or lower level management. These actions are driven by the Trustees and senior management.

As a result of Socorro Co-op not only leaving the power on at the property, but switching it into the name of a totally unverified 3rd party, the tenants were able to comfortably remain for another month rent-free. This required me to hire an attorney and enlist the support of law enforcement to finally remove them, and during that time they caused significant damage, which should have been the responsibility of Socorro Co-op.

After I directed the power to be disconnected in my in-person August 6 visit, I sent numerous letters to the Co-op asking why they failed to do so, and requested to see the information provided to the Co-op that would support their actions. I am sure you will not be surprised to learn that almost 1 year later, absolutely ZERO response has ever been forthcoming. Not until 2 month after-the-fact did Luis Aguilar reply (attachment #4). Please note that Mr. Aguilar's letter contains no date, which was most probably a purposeful omission, so the Co-op could subsequently claim they had responded in a timely manner if they were challenged. They seem to like to leave a door open to cover their actions.

The Co-op has operated since inception, to employ fellow family members and friends of current employees, and award scholarships and provide travel opportunities to the same group of insiders, while concealing special loans to employees with member funds, then using member funds to sue those same employees, as well as the membership itself. Is this also indicative of why sufficient thought was not given to the consequences of suing the membership? The membership be damned! The Co-op has, through the years, functioned as a private club for those in charge, which is why ALL Co-op members owe a huge debt of gratitude to Charles Wagner, and those who have joined him in trying to clean up this operation. The abuse they have received from the Co-op in response to such actions, is shameful. If you do nothing else in your remaining years as Mayor, I wholeheartedly encourage you to stay the course with determination, and terminate The City of Socorro's support for the Co-op. It would be an admirable lasting legacy if you can finally end the strangle-hold this group has maintained for decades.

I salute your efforts on behalf of The City of Socorro, and wish you only the very best in your efforts. You will have a fight on your hands, because Senior Co-op management does not want anyone changing the way they have done business for years, and they certainly do not want anyone looking over their shoulders and/or second guessing their actions. Regardless of whether such actions are legal, ethical or in the best interests of the membership..

Best of luck,



Sid Vinyard, CEO

cc: Mr. Charles Wagner - PO Box 252 - Magdalena, NM - 87825
Mr. Joseph Herrera - Socorro Co-op - PO Box H - Socorro, NM - 87801

SOCORRO ELECTRIC COOPERATIVE

#1

January 28, 2013

Sid Vinyard
P.O. Box 271445
Houston, Texas 77277

RE: *Patronage Capital Retirement – Grace Vinyard*

Dear Sid,

Thank you for sending me your mother's death certificate. Since you stated in an earlier conversation that your mother left no will, nor was a personal representative appointed to handle her estate; I am enclosing the Patronage Capital Release form for both Marty and Clay to sign in front of a notary public.

If you provide the legal documentation that you are the Administrator of her estate, Marty's and Clay's signatures are not required on the Patronage Capital Release form. As soon as I have all the legal documents required, I can then present the request for approval by the Board of Trustees.

Thank you and if you have any questions, please give me a call at 575-835-0560 x1001.

Sincerely,



Eileen Latasa
Executive Asst./HR Manager

Your Touchstone Energy® Cooperative 

P.O. Box H · Socorro, New Mexico 87801 · Phone 575.835.0560 or 1.800.351.7575
Fax · 575.835.4449

SOCORRO ELECTRIC COOPERATIVE

Z-B

PATRONAGE CAPITAL RELEASE

KNOW ALL MEN BY THESE PRESENTS:

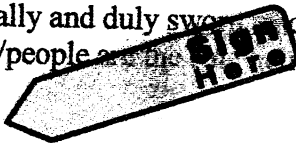
THAT WHEREAS, Grace Vinyard, deceased, of the County of Socorro, State of New Mexico, died on the ___ day of _____, 20___, in the said County and State:

AND WHEREAS. At the time of his/her death, the said Grace Vinyard was a member of the Socorro Electric Cooperative, Inc., a New Mexico Corporation, and, as such member was entitled to certain capital credits from such Cooperative, the same being in the amount of \$ 629.91.

AND WHEREAS, the said Grace Vinyard died intestate, leaving no will and without sufficient property to justify probate proceeding being has on the same:

NOW THEREFORE, the undersigned, being the sole heirs of the said Grace Vinyard, deceased, for and in consideration of the payment of the sum of \$ 629.91, the receipt of which is hereby acknowledged, hereby releases the said Socorro Electric Cooperative, Inc., of and from all claims and demands of every kind and nature whatsoever which the said Grace Vinyard, deceased, his heirs or assigns might have had, or now have, against said Cooperative by reason of such capital credits or any interest therein and, will hold the said Cooperative harmless from any claims by others that the payments or any part of them were owing to those others, and will defend any action brought against the Cooperative on such claims and pay any judgment obtained against the Cooperative therefore.

AND the undersigned, being each first severally and duly sworn, each for himself on his or her oath deposes and says: That the following named person/people are the heirs of Grace Vinyard, deceased.



- | | |
|-----------------------|-----------|
| 1. <u>[Signature]</u> | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

3

View Create

Options: Member Number: Member Number: Submit Add Delete

Year	Total Margins	Total Gains	Due + Interest	Billing	Inactive Accounts
1986-2011	629.91	.00	.00	.00	

Member Number: 16413

Billing Account Balances:
 Active Balance:
 Inactive Balance:
 Bad Debt Balance:

Member Capital Credits Check

Totals

Margins:	629.91
Gains:	.00
Due + Int:	.00

Allow Billing Update:
 Undeliverable:
 Deceased Patron:

Margin Amounts

Oper Margins:	561.91
Non-Op 1:	58.86
Non-Op 2:	8.07
Non-Op 3:	.97
Non-Op 4:	.00
Estate Estimate:	.00

Code 1: 2: 3: 4:

Edit

Notes

SOCORRO ELECTRIC COOPERATIVE

#4

NO DATE

Sid Vinyard
PO Box 271445
Houston, TX. 77277

RE: 503 Kelly Rd. Magdalena, NM

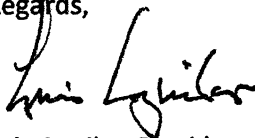
Dear Mr. Vinyard:

I have received and reviewed your correspondences regarding an improper service change at 503 Kelly Rd. in Magdalena, NM. As President of the Board of Trustees, our responsibility is governance of Socorro Electric Cooperative (SEC). I personally don't get involved in the day-to-day operations of SEC, that task is our General Manager, Joseph Herrera's, responsibility.

However, because of your two letters, I discussed this matter with Mr. Herrera. As I mentioned earlier, I do not run the day-to-day operations. Mr. Herrera informed me of the matter to the best of his knowledge of all the facts and ensured me that all the standard operating procedures were followed. He informed me that you did call in to SEC headquarters and spoke with Members Service Representatives requesting service to be disconnected on August 9, 2013. Service was not to be connected until you requested electric service at mentioned location. Your tenants, Mr. Aaron Laurent and Beth Reid Laurent came in to SEC headquarters on August 12, 2013 requesting service at mentioned service location. Mr. and Mrs. Laurent presented the correspondence mentioned; a residential rental agreement and disability certification for Mrs. Laurent. SEC staff questioned Mr. and Mrs. Laurent on term number 16 of the rental agreement.

SEC is regulated by the New Mexico Public Regulator Commission (NM PRC) and follows its rules. SEC cannot deny services, pursuant to NM PRC and the rental agreement and without a written eviction notice and, or a copy of a terminated rental agreement executed by both parties. Therefore, service was not denied to Mr. and Mrs. Laurent at mentioned location. In the future I would advise you to contact SEC staff and provide staff with the full correct documentation.

Regards,



Luis Aguilar, President
SEC Board of Trustees

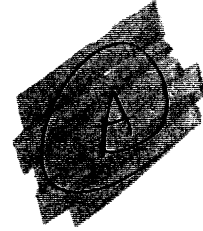


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Letters to the Editor (08/07/14)

by Staff | August 7, 2014 | Filed under: Opinion



Co-op not fair, reasonable

Recently, Socorro Electric Coop President Anne Dorough has dedicated considerable energy to letters in the newspaper and mailings with co-op bills. Therein she takes a tack that varies significantly from her actions as leader of the co-op Board of Trustees.

In an abrupt turnabout, she rails against running up legal bills and attorneys' fees. This in the face of persistently using lawyers and, more recently, a public relations firm to wage a campaign to blunt the efforts of co-op members who wish a say in the management of their (supposedly) electric cooperative.

Ms. Dorough calls on members to rally attendance at meetings in order to fight off the City of Socorro. The triumvirate of Dorough, David Wade and Leo Cordova have persistently done it's best to design meeting places and agendas to discourage attendance by the membership.

The annual meeting's most successful occurrence was at the Macey Center in 2012. Members flocked to the meeting in record numbers and voting was significantly above normal. The board has deigned having the meetings at the Macey Center (despite the cost being lower than Finley Gym) ever since. They'd rather not deal with members voting changes inconvenient to the ruling, scheming trustees. "Lack of Quorum" is their preferred outcome to maintain the status quo.

Why now use the terms "fair and reasonable," "integrity," "keep in touch with our co-op members," "encourage them to bring their questions," "great opportunity to get involved" and worst of all "sincerely?"

Sincerity and integrity have played a minuscule role with the board over the past few years. Now, co-op General Manager Joseph Herrera has run a campaign of terror over co-op employees and weaseled pay exceeding \$180,000 per year from the board. This despite his scorn for Socorro and having moved his residence to Los Lunas while we pay for his company vehicle and travel back and forth. The co-op's manual says all co-op employees live within it's service

area.

Fair and reasonable? Whatever the optimum relationship we might continue with the City of Socorro, Ms. Dorrough's plaintive cries that Members rally around her ring hollow. Perhaps she, Wade, and Cordova should have relied more on a PR firm than on conniving with attorneys in their past actions against the members.

Herbert Myers
Socorro

Co-op has no right to censure

The accusation prompting the SEC board's censure seems to mean that neither the board nor its attorneys are up to speed on the requirements of New Mexico's Open Meetings Act (OMA).

The e-mail in question was addressed to a quorum of the board of trustees.

Communications among them constitute an open meeting as I understand the law. In addition, communications among a quorum of a governing body, to qualify as an exception to OMA must discuss

items the law allows to be treated as "confidential." Nothing in Ms. Dorrough's e-mail would meet that criteria, and there was no prior notice of her intentioned action.

It is August, and the Dorrough administration has no strategic plan for the co—op. That means business assets wasting as usual. The two previous administrations had no announced plans either and seemed

to follow the suggestions of the Wiggins attorneys to continue to violate bylaws, prevent members from voting at meetings and other wise resist efforts of the membership to democratically control their co-op.

I believe the only people who want to retaliate against me through punishment are the attorneys, the general manager, Ms. Dorrough, Mr. Wade and Mr. Cordova. The problem is the authority to punish a trustee is exclusive to the members who elected her/him. Ms. Dorrough and company want to usurp that power from the members also.

Can any of them face reality?

Charlie Wagner District 2 Trustee

Letters to the Editor (07/31/14)

by Staff | July 31, 2014 | Filed under: Opinion

Selling co-op best bet for members

I wanted to thank Mayor Bhasker for using leverage to encourage a Socorro Electric Co-op meeting, with a quorum, to discuss recent and long standing issues. He is doing the right thing for city residents. I also agree with Anne Dorough that we shouldn't be breaking up the co-op, and the City is not suited to be a buyer.

Reflecting on the years of acrimony, waste of capital and time lost, we member-owners need to think clearly about our future and take a new direction. What we should be doing is directing the trustees to sell the entire co-op to a for-profit enterprise.

Rural electrification has a proud history in America. You don't have to be terribly old in Socorro to remember or have relatives that participated in the founding of the Socorro Electric Co-op. You have my great respect.

However, we are way past the days of pioneering – where co-op funded expansion of the grid brought real change to the service area.

The mines have been mined, the ranches have been staked and the allotments leased long ago. Every partially-sold subdivision in the service area has power. We can expect low and slow growth, if any. Job well done co-op, we are electrified! Now its time to take an earned bow and leave the stage.

The assets of the co-op are owned by the members and these are valuable assets, very valuable assets. The longer you have been a member, the more investment you have made. While certainly “nonprofit,” the co-op (you) has millions in assets. Right now those assets are stranded capital for the member-owners.

There is a reason the co-op only wants to compare costs to other rural co-ops. Western rural co-op power is almost always more expensive than “for-profit” Western power. Technology has made renewables and storage less costly and just as reliable as expensive co-op grid power.

It's good to remember that an electric co-op is not the normal state of affairs. Just like any other service we buy, we rarely own the company. Long ago it was the only way to electrify rural areas - once done, it's a service - just like water, sewer and garbage. But unlike those services, we member- owners still pay the overhead for the pioneer days, and we pay a lot more than we have to. So, why consider selling the co-op? It's a long list:

- Less expensive power for everybody.
- No more lawyers.
- No more being sued by our power company.
- No more meetings, quorums, rules of order and contested elections.
- No more dubious expenditures and accounting practices.

- Service staff keeps their jobs. Trustees don't.
- Recover your stranded assets, member-owner!
- All capital accounts paid in full to every-body and no more capital accounts, ever.
- Less acrimony and embarrassment of our community.
- Expanded renewables, grid ties, off-peak pricing, and net-metering.
- No more letters to the editor, or with our bills, from power company management.
- Power company management held to the clear standards of State Law.

It wouldn't be the first time member-owners sold an electrical co-op. Given the current state of affairs of our co-op, it certainly deserves consideration.

Greg Miller - Socorro

Trustee calls for recall of SEC chair Dorough

The letter signed by Ms. Dorough, chairperson of the SEC Board of Trustees is peculiar, and there is a question as to how much is Ms. Dorough's opinion and how much the input of the public relations firm hired by the coop's attorneys and paid with SEC member funds.

The letter implies that the mayor and city council want a hostile takeover of the electric co-op. To the contrary, they have been pushed to consider their action by complaints from members, former employees and members of the business community. Resolutions passed by the city council during the past months set forth the reasons for addressing the matter. These resolutions are available at the city's website.

In council meetings I attended, council discussions place emphasis on the SEC Board of Trustees duty of care, lack of obedience to SEC Bylaws, oversight of costs and oversight of management, response to consumer concerns, guarantee of a fair, nonthreatening work environment for employees, etc. All are reasonable expectations of consumers who are required to democratically control the coop.

The councilors know that this is done through fair elections, annual district and general meetings of members.

The members have the unlimited right to initiate, debate and approve amendments, repeals to bylaws and articles of incorporation according to law. Comments from members at city council meetings make it clear that hostility arises from the SEC trustees, management and legal advisers.

The general attitude of these three is "We will do what we want; if you don't like it, take us to court."

The letter implies erroneously that the lack of a franchise agreement is the problem compounded by the city's wish for an open forum. An open forum with members present is the only proper way to conduct business. The SEC prefers secrecy and does not want to hear from the member/owners.

The threats are groundless and shoddy in their execution. The sensible approach of a feasibility study on the questions of rates, presently the highest in New Mexico and Colorado according to documents presented by the mayor; legal fees, already extremely high with an additional cost of poor legal rulings from attorneys; and concerns of members outside of the city who are also fed up with the actions of the co-op, is the proper approach.

There is another remedy. During the February SEC Board meeting, Mr. Larry McGraw, USDA Rural Utility Service representative, meeting with members, Mayor Bhasker and other city representatives advised that improper actions of a SEC trustee could be handled by recall.

Ms. Dorough, though elected by District V members, has opposed their best interests by undertaking and working with the attorneys to block a vote of their proposals passed at their 2012 district meeting from being voted on at the 2013 Annual Members Meeting as called for in the SEC Bylaws.

Having no confidence in Ms. Dorough due to adverse actions, the members of her district can remove her as trustee as described in the bylaws and immediately nominate and elect her replacement.

That recall would change the majority on the board and restore the confidence of all members. District V members now knows why it is so important that they act quickly.

Sincerely,

Charlie Wagner

District II Trustee

Socorro Electric Cooperative

Letters to the Editor (07/24/14)

by Staff | July 24, 2014 | Filed under: Opinion

Co-op takeover costly, bad idea

Citing unfounded criticism of Socorro Electric Cooperative rates and service, the Socorro city Council recently voted to conduct a feasibility study about taking over electric service from the co-op, a move called "municipalization."

The council's move risks a double disaster for any city resident who pays an electric bill. But for the time being, until the city takes action directly threatening the co-op, we're preparing to block the city's possible attempt at a takeover, but there's no need for us to take direct action yet.

For Socorro, "municipalization" is a bad idea because it will cost both city taxpayers and co-op ratepayers vast sums of money unnecessarily, with no return in improved service or reduced rates.

The city is heading down an expensive and distracting path. Their action illustrates the dangers of dumbing down a technically-complex issue in a political arena without understanding the far-reaching consequences for everyday folks.

There's a better way to work out our differences. SEC currently operates in Socorro under an expired franchise agreement giving the co-op the right of way for its lines, poles, substations, transformers and equipment to deliver power to homes and business across town.

Since last year, SEC has sought a meeting with Mayor Ravi Bhasker to negotiate renewing the franchise agreement, which both still honor. Unfortunately, the mayor has said he prefers the open forum council meetings with its audience of supporters.

If the city continues on its present course, expect years of expensive legal wrangling. If the co-op refuses to sell, the city has suggested it could condemn co-op assets in the city through eminent domain.

However, the legal basis of that is unclear and untested. Get ready to pay more legal fees.

And experience shows the co-op is likely to end up continuing to serve city customers.

The truth is, rates for Socorro customers would go up because buying the assets would cost the city many millions and the municipal utility would have fewer customers to share costs of operation.

Unfortunately, rates would similarly rise for the rural customers remaining in the co-op. SEC rates, which only cover our cost of operations without profit, are fair, reasonable, and on par with other rural cooperatives in the state.

And here's the final catch: nearly all SEC ratepayers in the city of Socorro are also taxpayers in town. City residents with an SEC account for electric service would pay for lawyers on both sides to fight each other over the right to sell them power.

Rural customers outside the city will also have to pay to defend the integrity of their co-op and fend off a rise in rates due to a municipal takeover. It's a lose-lose deal for everyone except the lawyers. The city should stop.

We will keep in touch with our co-op members as this issue develops. We encourage them to bring their questions to us. Our district meetings in October and November are a great opportunity to get involved.

Sincerely,

Anne L. Dorough

Socorro Electric Cooperative

President & District V Trustee

Co-op should meet with mayor

Anne L. Dorough, Socorro Electric Cooperative president and District 5 trustee, in her July 17 letter to the editor in the Chieftain seems to be quite concerned over the co-op (and thus the members) having to pay "vast sums of money ... by heading down an expensive and distracting path ... can expect years of legal wrangling ... get ready to pay more legal fees ... a lose-lose deal for everyone except the lawyers."

I am baffled by this sudden, new concern regarding a cost to members, who have been on an expensive and distracting path for some time since the board decided to sue members. We members have incurred years of expensive wrangling as well as extravagant legal fees.

The extravagant fees continue for members as the board has added another lawyer to the Wiggins law group by hiring Cordova Public Relations (\$2,889) "to assess the current situation."

Mayor Ravi Bhasker is agreeable to meet to address the expired franchise agreement. The

SEC board balks at this meeting being an open forum? Why? The co-op board is very fond of executive meetings which exclude the public. But this franchise is in the public's best interest.

The Open Meetings Act had to be forced on the board for their regular meetings.

Dorough says "we encourage co-op members to bring their questions to the board." She obviously does not mean to a board meeting where the public is limited to two minutes to speak, and there is no acknowledgment by the board regarding what is said.

Are our electric rates, as claimed, on par with other rural cooperatives in the state?

Dorough should produce figures to verify this claim.

My suggestion: the city should not stop feasibility studies. The SEC board should meet with the mayor to negotiate a franchise agreement.

Ruth White

Socorro

Letter to the editor (4/24/14)

by Staff | April 24, 2014 | Filed under: Opinion

The importance of attendance

Editor:

Many questions have been raised about this (Socorro Electric Cooperative annual membership) meeting. Leading the list is "Why no mail-in-ballots?" followed by "Why no notice of the meeting?" and "What's on the agenda?"

The "official notice" of the 2014 annual members meeting was included in the last issue of "Enchantment Magazine." It was also mentioned in SEC President Anne Dorough's letter enclosed in the last SEC billing. (See previous email and/or posting at www.informedcynic.com).

The agenda is posted at www.informedcynic.com. Note that the agenda states "registration" not registration and voting. This is because of actions by the SEC attorneys, which are backed by management and the majority of three on the Board of Trustees. Although three propositions were passed by District 2, the attorneys have once again blocked a District's and member's right to send propositions to the full membership for a vote at the next succeeding annual members' meeting as required by our bylaws. Instead the attorneys have placed these propositions on the agenda under "new business" for discussion and vote by persons in attendance. If these persons vote in favor of the propositions, they then will go to the 2015 Annual Meeting where they will be placed on the ballot. Two years for a made-up process which is against the bylaws and strips the power of the members to amend the SEC bylaws. They did this to the 2012 District 5 propositions and oddly, in Mrs. Dorough's letter to the members, she states, "Now too much time has elapsed for the proposals to be considered at this years' annual meeting." Not sending the District 2 propositions for a vote by the membership is the reason for no ballots as well as an attempt to kill them.

A mind-boggling contradiction and rebuke to this stonewalling action is Mrs. Dorough's paragraph on "progress and forward thinking that characterizes our co-op today," which congratulates the co-op for "fully implemented previous by-law changes proposed by the members in 2010." These bylaw changes referred to were proposed by District 5 in 2009 and voted on and passed overwhelmingly at the 2010 annual members meeting. Under the present attorneys, management and trustee majority, these bylaw changes would never have been brought to a vote. Many of you will remember that the co-op and trustee majority sued the entire membership to stop these bylaws from taking effect. In the same paragraph, the "Member By-laws Committee" is also praised as "progress". Make no mistake, this committee is a creature of the trustees. The district meetings are the way that members propose bylaw changes.

What can be done about this situation? The attorneys say "take it to court." What an answer! Sue ourselves for justice! The City of Socorro is working on buying the co-op because of adverse actions to the members and business community and this is not an idle threat as some think. Many say "fire the attorneys and manager." But the attorney and manager are hired by the Board of Trustees. Three trustees, Leo Cordova, Anne Dorough and Dave Wade, are blocking remedial steps to repair this co-op and their removal is the only way to stop what is happening. District 4 and 5 members will have an

opportunity to sign petitions to recall their trustees at the 2014 Annual meeting this Saturday. Members of other districts can express their opinions (and maybe appear on the TV news). Please attend.

Charlene F. Wagner

Socorro

Editors note: El Defensor Chieftain has published notice of the annual meeting in the past five editions of the paper.

Co-op meetings need revamping

In the May 1 edition of El Defensor Chieftain, Socorro Electric Cooperative Board of Trustees President Anne Dorough is reported as favoring entertainment (a band? hot dogs?) to increase audience participation at the annual meeting of members.

In reality, the board triumvirate and their lawyers with their clownish posturing and obfuscating behavior is entertainment in itself.

Instead of adding hot dogs and/or a band, streamline the meeting.

As it is now, one registers and then waits until the meeting can start. But it doesn't start. First there is a presentation of the flag, pledge of allegiance to the flag, singing of the "Star Spangled Banner," an invocation and a speech by someone.

An hour has passed.

There is a count of people who have managed to stay. The count is repeated several times. It is, after all, a count of registration bracelets, easy enough to hid.

When there — surprise! — is no quorum, all business waits for a year to be proposed, and the board and their lawyers are safe to proceed as usual for another year.

Members aren't attending the annual meeting in large numbers because they are frustrated by the format of the process, the delays and the "interpretation" of the by-laws.

Will a band and hot dogs make up for this? Hardly. Discouraging? Yes. Makes one want to give up. Almost.

Ruth White

Socorro

County residents better off with PNM

I read with interest the comments by Mr. Jaramillo of the Mayors' intentions of acquiring SEC. Perhaps SEC can be considered an "albatross" of an organization, but most member owners believe the SEC to be a bunch of crooks.

The city really doesn't have to purchase SEC. The city controls the franchise agreement, and the city can merely award the franchise to PNM or anyone else interested in operating an honest intended company.

The comments by SEC attorneys in the "Enchantment" magazine about the comparison of a for-profit PNM versus the so-called nonprofit SEC is misleading, to say the least.

The attorneys through last September averaged \$17,000 per month. At that rate, they would have been rubber-stamped right about \$207,000 for the year ending 2013.

Currently, the attorneys are being paid an average of \$16,000 per month! If this continues, then they will have been paid \$192,000 for the year ending 2014. That, I believe to be an "albatross."

Then if you add in the \$185,000-plus the "trust me trustees" pay the manager, then the "albatross" becomes a dinosaur of a burden on the backs of the member owners.

If in fact the mayor moves ahead and wrangles power away from SEC, that would be a huge relief for the public.

We in the county, of course, would continue to re-adjust the districts, pay less to the four "trust me trustees," demand the immediate firing of the attorneys, demand that the manager accept less for less work

on his part or move on.

Mr. Jaramillo has good ideas and intentions. This, of course, is the city's and its citizens' business.

The county residents see the "albatross" as all of the above money added onto our current electric rates.

That divided by the number of residents equals three to four times the rate PNM would ever charge.

Imagine not having the burden of managers, attorneys, overstaffed office and the fact that the current manager lives outside the county.

All of the field techs would work for PNM, get better pay and the residents would be a lot better off.

James Padilla

Letters to the editor (04/17/14)

by Staff | April 17, 2014 | Filed under: Opinion

The informed cynic

Editor:

Several years ago I set up a website, www.informedcynic.com, dealing with issues affecting the citizens of Socorro County and the surrounding area. I also began filming the meetings of the Socorro Electric Cooperative in an attempt to present a unbiased record of events to the membership. News archives, commentary, the meeting videos, etc. are all posted on the website.

On Jan. 23, 2014, I began my first attempt at an Inspection of Public Records Act request with a letter to Mr. Joseph Herrera, SEC general manager, soliciting documents relating to fees paid to SEC attorneys from 2010 through 2013 and all contracts between the SEC and those attorneys. On Feb. 26, 2014, I picked up a packet of documents for which I was charged \$1 per page for a total of \$344. On examination, I discovered that the file of documents was incomplete with entire years missing and gaps within years furnished. Invoices were heavily redacted. Only one attorney contract was included. I detailed the lack of compliance in another letter to Mr. Herrera dated March 31, 2014. That letter has not been answered.

The received information, though incomplete, is very interesting and it is important that those facts and figures be made known to SEC members. If additional records are received, they will be added to existing data posted on the website.

The records from Dennis Francish are complete and his contract is included. \$113, 818.06 was billed to the SEC from 2010 through 2012.

- Kennedy & Han: Only seven months of billing supplied, February 2012 – September 2012 in the amount of \$53,534.11 although the firm was hired in June 2010 for the case in which the SEC sued the members. No contracts supplied.
- Foster & Moss: September 2012 to October 2013 billings \$11,605.69. No contracts or other documents.
- Wiggins, Williams & Wiggins: At least \$209,616.29 billed from 2010 to 2013 as there are gaps in years 2010 and 2011. One of the most intriguing items billed by the Wiggins firm deals with the "investigation" by Ira Bolnick. This action was taken against Trustee Wagner and authorized by the SEC Board of Trustees upon the recommendation of Attorney Lorna Wiggins. Part one of the "investigation," which cost the SEC \$11,789.61, is posted. Part two of the report has been kept from the members. Ms. Wiggins hired and paid Mr. Bolnick and then billed the SEC for that amount. The second item lists Cordova Public Relations to which the Wiggins firm paid \$25,094.61 from July 2013 to December 2013 and billed back to the SEC. There is no indication as to why the PR firm was engaged. No contracts pertaining to the Wiggins firm, Mr. Bolnick or Cordova Public Relations provided. The total derived from these incomplete records is \$388,574.15 for the three years, 2010 to 2013. The actual total is higher but unknown due to the noncompliance of the SEC general manager.

James Cherry - Magdalena

Letters to the Editor 01/16/14

by Staff | January 16, 2014 | Filed under: Opinion

Aguilar should not promote own agenda in electric bills

Editor:

Dear Mr. Aguilar (SEC board member):

Today I found a letter from you stuffed inside the same envelope as my latest electric bill. As I read it, I began to recognize it as propaganda. I realized that your letter had nothing to do with the official business of the SEC – which I expect to find with my bill from time to time. Instead, it was a two page editorial pushing your own agenda by stating your personal, subjective, and biased interpretation of ongoing issues between member/owners and the SEC.

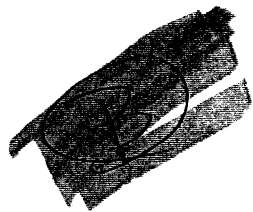
You also accused member/owners of wasting your time. Sorry folks, but it is certainly the other way around. Once again, your letter is another attempt to skew information and, most probably, proof of another misuse of funds (those used to print and mail your editorial to 10,000 member/owners).

I mistakenly assumed you and others on the Board, knew that editorials belong on the editorial page of newspapers, magazines, and the like, since they are statements of opinion. (Note to self: Do not make assumptions, especially about board members who have repeatedly demonstrated their ignorance and inability to know right from wrong.)

For your information, Mr. Aguilar, we have a newspaper right here in town that would probably publish your words without issue. I'm pretty sure they would also do it for free. Speaking for myself, I am sick of paying for SEC games over and over again. So say your farewells, Mr. Aguilar, give us a wave or a thumbs up or the finger, but more importantly, tell the SEC Board that, at the very least, I'd like my money back.

Kate James

Socorro



Letter to the editor (12/26/2013)

by El Defensor Chieftain Reports | December 26, 2013 | Filed under: Opinion

In re: Milton Ulibarri's thesis on SEC's quorum dispute (Dec. 12, 2013 edition, Page 4).

Mr. Ulibarri asserts: (1) It (the need for a quorum) prevents the democratic process from being hijacked by just a few members and (2) that the (SEC) by-laws need to be reworked with the members by-laws committees and attorneys to develop a set of amendments that will fix the inconsistencies and line them up with New Mexico state law — one can't argue with those two assertions — however, it all boils down to, "just who is doing the hijacking."

Up until 2010 when SEC reform became a hot issue 11 miscreant trustees had for decades used the then existing "by-law machinery" to retained control of SEC affairs to their own financial advantage. And, after the April 2010 member/owner vote, those trustees fought tooth and nail (financing their fight with member owner funds) to thwart reform — to their advantage. Not liking the outcome they cried foul, filed a lawsuit and lost.

So, if miscreant trustees are allowed to "pick" persons favorable to their interests to serve on such by-law committees and "attorneys," favorable to same, the effect is to nullify the entire process.

About quorums: If there is no meeting quorum to begin with, our trustees win by default. And if there is an initial meeting quorum allowing a proper meeting our trustees bore people with their "pompous rhetoric" and "show" to the point that those bored people leave in disgust thereby killing the meeting for lack of quorum. Again the trustees win by default. No doubt all is calculated.

Alvin B. Hickox

San Antonio

Letters to the editor (11/28/13)

by Staff | November 28, 2013 | Filed under: Opinion

Some co-op board members behaved badly during election

Editor:

Conduct at the recent Socorro Electric Co-op district elections brings cause for disgust from the membership. Behavior of the sitting trustees was abominable and their attempts to hijack the elections were both obvious and repugnant. Former trustees participated in the underhandedness and that speaks volumes about their past actions.

The members voted clearly for the candidates of their choice, yet incumbents and former trustees attempted to void the selections by playing all the dirty cards they could muster. Declaring a lack of quorum when there were clearly members in attendance who weren't counted was particularly nauseating. Present and past trustees were observed ushering members out and requesting them to cut off their wristbands to reduce the official count. Board president Luis Aguilar skulked beyond the doors of the meeting instead of making his presence known and providing the leadership he was elected to contribute, let alone be counted.

Congratulations are in order to Melissa Amaro for being the overwhelming choice of the District III voters. We can all be sure the board will be vastly improved by her presence and objectivity. If the present trustees continue in character she will not be offered a heartfelt welcome.

Let us hope Melissa's tenure will include selection of a board attorney who values the members. The previous mercenaries have been ... did I say disgust earlier? Yes, disgusting.

Herbert Myers

Socorro

Letters to the editor (11/21/13)

by Staff | November 21, 2013 | Filed under: Opinion

A mail-in co-op vote should count as intended only

Editor:

I want to take off my trustee hat for a moment and express my opinion as a member of the Socorro Electric Cooperative.

Irregardless of the legality of the amendment proposed at the District II meeting, I am opposed to mail-in ballots being used to determine the presence of a quorum for a business meeting. When I am sitting at my desk in Pie Town, marking my ballot, I want to know that ballot will be used to record the choices I have indicated and not to declare my presence at a meeting where I am not actually in attendance and, therefore, cannot vote to protect my rights. I do not want my ballot used as a means for other people to discuss and vote on issues in my absence with which I may or may not agree. My ballot should be used for recording my vote and only for that purpose.

Anne L Dorough

Member, and also Trustee

Socorro Electric Cooperative

Pie Town

Letters to the editor (11/07/13)

by Staff | November 7, 2013 | Filed under: Opinion

Co-op District IV meeting fails to address concerns

Editor:

Last Tuesday's District IV meeting was held in San Antonio starting at three in the afternoon. It's no wonder only 16 people attended and 12 of those were of the reform group.

Trustee Dave Wade opened by informing us that he has maintained that these district meetings were too expensive and a waste of time. Yet it was Wade who insisted that this meeting be held midday/midweek, when the majority of the people are at work.

Following Wade was trustee Prescilla Mauldin, who began by informing us that she had started a bylaw committee to review and correct the bylaws proposed by District V. One of the first things she said was that she encouraged member feedback and then reminded us that this is a member driven co-op. But when she ended her speech a member stood and asked a question. Mauldin promptly said, "I am not taking questions from the floor. You can email me."

She then turned and picked up her bag, donned her sunglasses and exited the building.

Dave Wade then stood and closed the meeting even as members were asking him questions. His response was, "We don't have a quorum."

So much for our duly elected trustees and the Open Meetings Act.

As far as they are concerned, it is their way or the highway. So yes it was a waste of time for all the members who took time out of their day to show up.

Shame on the trustees and the general manager for not taking the time to answer member's concerns even if there were only 16 of us.

Charlene West

Lemitar

Co-op District II members need to participate

Editor:

The next two Saturdays will see elections for trustees to the SEC board. District II on Nov. 9, District III on Nov. 16. Both have voting/registration from 1-3 p.m. with business meetings starting at 3 p.m. District III will also have a candidate forum from 10 a.m. to noon. These elections will mark the final board reduction from 11 trustees to the five trustees mandated by the 2010 bylaw amendments. The two trustees elected will either set a new balance on the board or revert to the old manner of doing business. The members will determine the future path of the co-op by their votes.

The site of the District II election was set by the board majority to be held in a distant corner of that district with a very low population compared to the west side of the City of Socorro and the Magdalena area in an obvious attempt to discourage attendance at the meeting. It should have the opposite effect making people more determined to have their voices heard.

The business meeting is where people speak, pass resolutions to be voted into bylaws, etc. People that have already voted by mail should register before 3 p.m. to get their wristbands so that they can vote at the business meeting and become part of the quorum. They can also check to see if their vote by mail is recorded. This is true for both districts. With rate hikes looming and many questions about operation of the co-op, members need to ask questions and vote for the trustees that they trust to move the SEC toward the future.

Charlene F. Wagner

Magdalena

Letters to the editor (10/31/13)

by Staff | October 31, 2013 | Filed under: Opinion

SEC trustees should listen to member/owners

Editor:

The upcoming district elections for trustees at the Socorro Electric Co-op pose choices for the membership. One of the few privileges members get in running the Coop is that of selecting a trustee to represent them. Currently, in District III, members have no representation. The trustees for that district are three: Luis Aguilar, Prescilla Mauldin, and Donald Wolberg. Yet, when I have tried meet and talk with one of them and discuss co-op affairs, none of the above would agree to do that. Per the Coop's "Board Duties and Responsibilities," they are forbidden from, "... even informal discussions." They represent everybody, but nobody. Does that sound familiar?

That's the conundrum of having at-large trustees. They answer to nobody and can readily put off any member requesting representation. Then, there's the lawyers who filter everything the trustees discuss anyway. Given the capabilities and qualifications of the traditional trustees, that's probably wise. Better to remain quiet and let everyone assume you're an idiot, than to open your mouth and remove all doubt.

What qualifications do Wolberg, Aguilar, and Mauldin bring to the board? A fitting management education or background? Professional experience or certification that applies? Any mastery of Robert's Rules of Order to assist in conduct of meetings?

Leroy Anaya seeks re-election after his latest term expired this past January. Is he better qualified for having been on the board and raking in an extraordinary take over several years? His background includes jobs as a political appointee on payroll with Socorro County and the City of Socorro. His duties are undefined and driving about in a municipal truck probably doesn't contribute to the qualifications of a corporate trustee. Political connections notwithstanding ...

Let us have a candidates' forum where members can have a question and answer session with the position seekers. Melissa Amaro is a candidate and has extensive experience working at the Coop. I suspect she'll be more than ready to participate and do her best to answer members' questions. The others? I'm not so sure — but they should welcome the chance to show off their knowledge and ability to lead the co-op after their incumbencies. Without their attorney to nudge/prompt them? They could bring their Forms 1099 to demonstrate how much they've collected in "expenses" over their tenure on the board. I'll show them mine if they'll show me theirs.

Herbert Myers

Socorro

Letters to the editor (10/17/13)

by Staff | October 17, 2013 | Filed under: Opinion

Request co-op ballots early

Editor:

I received a postcard in my mailbox Oct. 9 announcing the Socorro Electric Cooperative trustee election for District II. It states that the meeting will be held Saturday, Nov. 9, at 1 p.m. at the Wellness Center on the Alamo Navajo reservation. It also states that voting member registration begins at 1 p.m. It fails to mention that the business meeting begins at 3 p.m. This is the time when members can propose new bylaws, or amend or repeal existing ones and conduct other member business. The notice states the purpose of the meeting to be "for the election of one trustee for a four-year term" but neglects to mention the business meeting and its purpose.

SEC bylaws demand fair elections and require equal voting rights and equal access in the opportunity to vote. It seems this requirement will be violated. SEC has no written policy on elections but the state election laws serve as a good reference for conducting fair elections. When it comes to voting by mail state law requires 28 days for requesting a ballot to the return of the ballot to the election administrator.

The ballots will not be sent out until Oct. 16, meaning it will be the 17th or 18th at the earliest before a member can receive, complete and return the ballot. As ballots must be in Rio Rancho by Nov. 8, a voting member will have less time to vote by mail than the state law requires.

Questions have been raised about the location of the District II members' meeting. As the district stretches from Alamo in the far northwestern corner through Magdalena to the west side of the city of Socorro (surrounding and including New Mexico Tech) and up the west side of I-25 to parts of San Acacia, a more central location would seem to be fairer to all 1,966 voting members of the district. It seems obvious that the board majority selected this site in order to discourage attendance and/or voting.

My advice to voters is to call 505-891-6534 or email emarquez@electionpeople.com and request your ballot immediately. I also urge you to make the trip to Alamo so you can consider, debate and vote on the proposals that you and other members will be proposing.

Charlie Wagner

District II Trustee

Magdalena

Participate in co-op elections

Editor:

Lately a very small number of members of the Socorro Electric Cooperative have criticized the co-op and the Board of Trustees in particular. This small group of members has taken it upon themselves to push for extensive revisions to the co-op's bylaws.

They hope to rein in expenses by trustees, introduce greater transparency to co-op operations and give the general membership an increased say in managing co-op affairs.

What's wrong with that?

The devil, as they say, is in the details. This small group concentrated their efforts on 31 proposed amendments to the bylaws put forth by members in District V. Due to procedural mistakes, they passed just five of the 31 for consideration at the next annual meeting of the co-op. However, all 31 are riddled with problems — some even violate state law — making it unwise to adopt them.

Despite these problems, the board recognizes the need to improve our bylaws. A member bylaws committee formed by Trustee Prescilla Mauldin of District III has exhaustively reviewed the current bylaws and recommended amendments. Meeting long hours throughout the summer, they also reviewed and got legal advice on all 31 District V propositions and recommended to keep, reject or modify each one. Those the committee approved have been incorporated into revised bylaws that members can review and comment on.

The board would like to present them to the membership for a vote at the annual meeting in 2014 after member consideration at the five district meetings being held in October and November.

None of these changes can happen, though, if co-op members don't come to meetings, learn about the issues and vote. It's your co-op. If you support the direction we're taking, please come to your district meeting and be counted. At the District V meeting in October, 30 less than needed for a quorum registered for the meeting.

As Anne Dorough, the trustee representing District V, told the assembled members at the meeting: "One of the most important things to getting things fixed is participation in the meetings. If we can't get a quorum, we can't do anything."

Luis Aguilar

District 3 Trustee and Board President

Socorro

Know who you are voting for

Editor:

Coming soon are the district elections to select trustees to the Socorro Electric Co-op. Members must choose representatives who have not sued them for seeking honesty and transparency in management of the co-op.

Trustees who oppose honesty and transparency are unworthy. Trustees who sue their own members and incur hundreds of thousands of dollars in legal expenses for the benefit of attorneys are unworthy. Don't vote for Leroy Anaya. He sued us. Don't vote for Don Wolberg. He sued us. Don't vote for Priscilla Mauldin. She sued us. They cost us hundreds of thousands of wasted legal expenses, not to mention their duplicity and loss of fiduciary trust.

Melissa Amaro is a worthy candidate for many reasons. She knows the inner workings of the co-op very well. Vote for Melissa in District III.

Manny Marquez is not worthy. He took your money (for years) and ran. When the going got hot, he left and gave no explanation. Now he wants to return. Charles Wagner is worthy. He's the only trustee who's voted consistently to keep the board honest and keep the members uppermost in mind. Vote for Charlie in District II. He's there for the members.

We have a chance to turn this co-op around and give it back to the members. Let's attend the district meetings and do just that.

Herb Myers

Socorro

Letters to the Editor (7/25/2013)

by El Defensor Chieftain Reports | July 25, 2013 | Filed under: Opinion

Is SEC voter mandering?

Editor:

Let me apologize in advance for broaching this subject. But I simply cannot, in good conscience, let this pass without saying a word about it. The SEC is owned by all of its members, not the few who think all is bad with its trustees, management and advisors. The notion that (all) trustees are not trustworthy is a bunch of crock anyway. Last fall two trustees were re-elected to represent their respective districts. That's 40 percent of the membership! If there are trust issues then show these folks the facts, not the rhetoric.

I hear all this persuasive talk with ostentatious language ... oops! I mean pseudo-debate on how wrongdoing the trustees are. The past is gone and good riddance to that. It's time to move forward already. There have been tremendous changes in the reformation of the cooperative these last few years: open meetings act, rezoning, fewer trustees, curtailment of their compensation, annual district meetings and absentee voting – they are all in the current SEC bylaws.

Ah yes, absentee voting (or mail vote as it's being called) – the big gorilla is still in the house. Here is my take on this matter. A fundamental principle of parliamentary law, and Robert's Rules, is that decisions are made only by the members present in a properly called meeting at which a quorum is present. Let's read that again "only by members present" and "a quorum is present." However, sometimes you need to extend voting rights to members who can't physically be there to vote. In this case, you have a couple of options, voting by proxy and voting by mail.

Voting by proxy goes against SEC bylaws. Voting by mail is a trade-off: You give up the benefits of discussion and debate in favor of giving all the members an opportunity to vote. Voting by mail probably isn't worth the extra expense if most members can make it to meetings. But it is state law – so be it.

Here is the issue, counting mail votes as part of a quorum goes against New Mexico state law article 62-15-8, notwithstanding subpart "G", as in "gorilla." Read the entire section – do your homework. To use mail votes just create a quorum has consequences, which is probably why it goes against State law. For example, to allow members to vote by mail, you must be sure that you don't enable a decision on a question to combine mail votes with votes cast after discussion, amendments or floor nominations at a meeting.

Heck, if my mail vote could be counted toward establishing a quorum, why stand in line and wait to vote in person if I don't have to be present? Can you imagine a Cooperative annual meeting being conducted with no audience? Can you imagine hell freezing over? You get the point!

Gene Cole

Socorro

Letters to the Editor (7/18/2013)

by El Defensor Chieftain Reports | July 18, 2013 | Filed under: Opinion

SEC member miffed with reform group

Editor:

In 2009, at the urging of the SEC reform group I began to actively partake in the involvement of our Socorro Electric Cooperative. Before this, I'll admit to being guilty as heck for not paying much attention to what goes on at the SEC. Now I find it is important to at least attend scheduled district and membership annual meetings. I suggest doing more, but no less than represent yourself at one of these meetings.

At this year's SEC annual membership meeting there was this big brew-ha-ha (great entertainment) about the District V resolutions to amend the cooperative's bylaws not being on the agenda. I would like to shed some light on this very subject matter from my perspective as a fellow member.

Last October, the District V membership held an election to vote a new trustee into office. At this meeting there was, among other things, a rewrite of the SEC bylaws. Thirty-one resolutions resulted from this effort. The resolutions were submitted to the SEC board of trustees for consideration to be added to the 2013 annual meeting agenda so that the resolutions could be voted upon by the membership at large.

Hold on a minute. Let's back up a few paces. As it turned out, the District V submittal is full of language issues, bylaw changes in conflict with other bylaws, and a few items not meeting New Mexico state law. Even after the trustee bylaw committee reviewed all the changes, had the SEC lawyer review the changes, had made recommendations, they were put on the agenda for consideration under new business, as per Article III, Section 11 of the bylaws. Hmmm, I wonder why?

I'm not done yet. This may not be known to many who are being called upon to sign a petition to hold a special meeting so that these resolutions can be voted on (as is mind you). Do you know that during the fall District V meeting several procedural missteps had taken place? Resolutions No. 1, 15, 16, 17 and 29 were acted on before the quorum was lost, then some resolutions were passed after the quorum was lost. The remainder of those resolutions was acted upon after the motion to adjourn failed. Don't take my word on this, do your own homework.

There is no disrespect intended here, I'm just miffed about District V stealing the glory to rewrite my cooperative's bylaws. However, I feel a little better getting this subject matter off of my chest. I can hear a lot of my fellow members speaking my name in vain about now – bring on the heat.

Gene Cole

Socorro

Letters to the Editor (7/11/2013)

by El Defensor Chieftain Reports | July 11, 2013 | Filed under: Opinion

Co-op trustee opponents out this weekend with petition

Editor:

It is against the law, both legally and morally, to deny anyone the right to vote. Yet this is happening today in the service district of the Socorro Electric Cooperative. Although the Board of Trustees, the SEC management and lawyers are dragging in all sorts of side issues, the basic issue remains: District 5 members passed 31 resolutions at their district meeting in October 2012 which according to the SEC bylaws should have been voted upon at the 2013 Annual Meeting.

Board, management and lawyers, disliking some of the resolutions, refused to place them on the ballot. SEC member/owners were denied their right to vote on these resolutions.

Denial No. 1: When the resolutions came to the floor of the Annual Meeting for discussion under new business, the SEC lawyers declared that the previously declared quorum of members was not a quorum and tried to adjourn the meeting without allowing discussion or vote on the Resolutions.

Denial No. 2: The members used parliamentary law to move for a Reconvening of the Annual Meeting to the following month. At that June 8 meeting, the members voted to pass the District IV resolutions. Now instead of their becoming part of the SEC bylaws, the lawyers ruled that they had to be voted on again at the 2014 Annual Meeting.

Denial No. 3: It is worth noting at this point that the members passed an on the ballot resolution at the 2013 Annual Meeting to have the mail in ballots count toward a quorum thus validating a quorum at both of the 2013 Annual Meetings and rendering the continuing discussion on quorum to be ridiculous.

It should be noted that both annual Meetings were videotaped and are available for viewing at www.informedcynic.com. SEC Board meetings are also available for viewing.

Because of these events, member/owners decided a special meeting of the members in order to vote on the District 5 Resolutions is necessary. President Aguilar would not call for such a meeting nor would two other trustees join with Trustee Wagner to call the meeting. Denials 4 and 5.

The third course dictated by the bylaws was a petition of the members where 10 percent of the membership would sign the petition which would force the board, management and lawyers to call a meeting for a vote on the resolutions. Today we have almost reached the 10 percent mark.

On Saturday, July 13, members will be on the Socorro plaza from 9 a.m. to 4 p.m. and at the Magdalena Bring Your Own Water party at the High Country Lodge and throughout the village from 10 a.m. to 3 p.m. to gather signatures.

Other copies of the petition are available at businesses throughout the area. This Socorro Electric Cooperative belongs to the member/owners and your signature will help send that message.

Charlene Wagner

Magdalena

Letters to the Editor (5/30/2013)

by El Defensor Chieftain Reports | May 30, 2013 | Filed under: Opinion

SEC trustee questions chair's decisions

Dear Editor:

Your coverage of the subject Socorro Electric Cooperative annual meeting reported details which recognized the desperate efforts by some SEC trustees through their attorney to prevent the surprisingly high number of members from completing the business it is their exclusive right to transact in a meeting regularly held for that explicit purpose.

The resolutions proposed by the District V meeting should have been on the ballot to be considered by the membership as required in the co-op's bylaws. The ballot instead, only contained those resolutions composed by the secret trustee bylaw committee and submitted by the board of trustees. The cooperative's consumer- members, who by law have the exclusive right of amending the bylaws, were not given the opportunity to deliberate, debate or amend the alterations proposed by the board. This violates the principle of "democratic member control" required by federal tax law — IRC 501(c)(12) — and is another violation that could cause SEC to lose its tax exempt and cooperative status. Mrs. Wiggins and the board must focus on the fact that the law requires they be submissive to the authority and control of the membership. It is a requirement well known to members of NRECA's Cooperative Bar Association in which Mrs. Wiggins has claimed membership.

The decision by the chairman after several long delays for discussions with the attorney during the annual meeting, that the quorum was lost, was inappropriate and wrong. It would have been appropriate for the attorney to rely on Robert's Rules of Order if state law was silent on the question of "Quorum" but that is not the case. New Mexico Corporation Law [53-11-32] Quorum of Shareholders states "... A quorum, once attained at a meeting, shall be deemed to continue until adjournment notwithstanding the voluntary withdrawal of enough shares to leave less than a quorum." ... the Business Corporation Act — Chapter 53, Articles 11 to 18 NMSA 1978.

In addition, the Rural Electric Cooperative Act, in the section on Powers [62-15-3. Q.] states: ... "subject to any limitations set forth in the articles of incorporation or bylaws, do such other and further acts and undertake such other and further activities and transactions for the mutual benefit of its members and patrons as may be done and undertaken by a corporation organized under the Business Corporation Act [53-11-1 NMSA 1978] for the same or any additional lawful purpose," ...

This is another statute the attorney seems to ignore based on her statement in the most recent board meeting May 22. Regarding the choice of Roberts Rules of Order Newly Revised as authority to block the members from transacting business, her exact words were "the Business Corporation Act is not applicable because you are not a for-profit corporation." Her words disagree with the RECA statute.

It is clear that the Rural Electric Co-op Act recognizes that "members" and "shareholders" in corporations are "owners" with common proprietary interest in the benefits and control of their property. They have common purpose in their right to hold meetings and vote on business transactions. To have that process denied, interrupted or delayed by their subordinates is unreasonable insubordination.

Therefore it is obvious that the chairman, based on mistaken advice from counsel forced exceedingly unnecessary delays and lengthy private discussions rendering confusion, resulting in total chaos. Anyone who doubts this can view the video of the meeting at www.informedcynic.com.

The solution to this is to conduct the adjourned, continued meeting properly. The meeting should be conducted by the qualified parliamentarian. He should preside with assistance of the president, so that the meeting can move along at the proper pace allowing the membership to consider and vote on the District V resolutions and continue to adjournment, after making sure that the membership has had the opportunity to introduce and act on all other new business.

Hopefully SEC management will face its duties realistically, keeping in mind its obligations imposed by federal and state laws previously ignored to the detriment of the cooperative and membership.

Charlie Wagner, Trustee

Socorro Electric Cooperative, Inc.

PS: There will still be the necessity for a well-planned special meeting of the members by petition sometime in the near future.

Membership ownership should count

Dear Editor:

Socorro Electric Co-op is owned by the customers. What does that mean? We vote for a board to watch over our electric business and vote for the rules they operate by. These are the SEC bylaws. They can be changed by a vote of the members. The board is required to abide by the bylaws. At the annual meeting held May 15, 2013, three changes to the bylaws were approved: Resolution 3 — District meetings to be held annually; Resolution 5 — mail-in ballots will count towards the quorum and Resolution 6 — each trustee appoints one election official. These are now in effect for all co-op business.

The change in how a quorum is determined was immediately put to the test. Claiming it might not meet state law the lawyer for the board declared the meeting over because the quorum had eroded as people left. What is most important is that the board must honor this bylaw in spite of any lawyer's opinion, even an opinion from the attorney general. No ones opinion trumps the duly voted rule. Only a vote to refine the wording passed by the co-op members or a court order can change this bylaw.

Some of the trustees like to point out that we are a very widespread co-op. We cover 11,500 square miles, 220 miles end to end. The meetings are held in Socorro where the co-op offices are and our customers are concentrated but efforts should be made to include our fellow owners who for time, distance or money cannot come to every co-op meeting. Technology today could let them be here via video but the minimum is to provide easy access to mail-in voting. Counting the interest and concern of these owners also is important. For too long co-op power was centralized in the city of Socorro. All viewpoints should be included. Would it be better if all members were physically in attendance? Possibly, but not always practical. Could the wording be more specific in how to apply this rule? Probably, but for now we function with Resolution 5 as it stands.

The annual meeting did not complete the agenda because of confusion about the quorum. It will be continued on June 8 at Macey Center. The mail-in ballots from the first part of the annual meeting will count towards to quorum unless a court order intervenes. It would be very unwise for the SEC board to again attempt to sue the co-op members. They must follow the new bylaw or risk paying damages {SEC Bylaws Article 14, Section 1 "a trustee shall not be personally liable ... for monetary damages ... unless {b} the breach of failure to perform constitutes willful misconduct or recklessness.} In fact the board should be conciliatory after their improper closing down of the original session. The opening formalities and speeches have already been completed so we can pick up with new business.

So we the members will have a chance to address our concerns to the board and management during the continuation of the annual meeting June 8. It is open to all SEC members. If you get an electric bill in your name you can attend and vote. If you were at work during the first meeting you can still attend this one. Don't let previous frustrations with SEC fester. Come to this session and talk to the board, the management, and your fellow owners about current problems and a new vision for the future. Members own this business and with a strong consensus it can serve the whole community again.

Marie Watkins

San Antonio

The SEC Annual Meeting continues June 8, 2013. Register 1 p.m.-3 p.m. Meeting at 3 p.m.

Letters to the Editor 5/2/2013

by El Defensor Chieftain Reports | May 2, 2013 | Filed under: Opinion

SEC bylaws should be carefully considered

Editor:

The trio of board, management and attorney are making it hard for members to attend the Socorro Electric Cooperative Annual Members' Meeting (May 15, voting 1-3 p.m.; business meeting at 3 p.m.), refusing to put the properly passed District 5 proposed bylaw amendments on the ballot, insulting the members by placing the defeated trustee proposals back on the ballot this year, confusing the items up for vote, and shortening the turn around time for vote-by-mail ballots, two weeks. The members must oppose them by being smart.

First, attend the meeting. We need an in-house quorum to remain at the meeting. If we get one and pass the members' proposals from the floor at the 2012 Annual Meeting, vote-by-mail will count as part of the quorum and this issue will be laid to rest.

Second, note that the May "Enchantment" contains the " Proposed Bylaw Amendments of Socorro Cooperative, Inc."

The three amendments that deserve a YES vote are:

Resolution No. 3 (Article III. Section 3. District meetings.) – calls for annual district meetings instead of the current every four year district meetings

Resolution No. 5 (Article III. Section 6. Quorum at all Meetings. – 'Mail-in ballots will count as part of the quorum.' Be very careful with this one as the trustees have tucked in another Article III. Section 6. Listed in Enchantment as Resolution No. 4.

Resolution No. 6 (Article III. Section 7. Voting at all Meetings.) which calls for each district trustee to appoint an election official.

All other resolutions get a no.

It isn't clear if the proposed amendments will be listed on the ballot with the same numbers as in the Enchantment. That will be clarified as soon as we receive a ballot.

Some members received their "Request for Mail In Ballot" the first week of April (city of Socorro); bill payers by electronic transfer the 15th; and Tierra Grande, Magdalena, Datil, Quemado between the 22th and 26th. District 4 had some in San Antonio receive them on about the 22nd, outlying areas had not received by yesterday.

As requested ballots will be distributed starting May 1st, members must be ready to make non-receipt an issue. The phone number to call to request a ballot is 1-800-834-8683 Extension 6534 (Ernie Marquez); email: emarquez@electionpeople.com.

These contact phone and email should also handle no show ballots. Call the SEC office to report no shows and record date and time of report to both Ernie Marquez and SEC.

Keep checking here for updates and mark your calendars for May 15, 2013.

Charlene Wagner

Magdalena

Meeting location still sore point

Editor:

Every story of corrupt local law, officials, town bosses, or gangsters you've ever been exposed to — whether book, movie, TV or history — you are enduring here in Socorro. All stemming from the management and Board of Trustees of the Socorro Electric Co-op. You could cast the characters with remembered villains from all those movies.

These are the people who have decided to conduct our annual meeting on a Wednesday afternoon beginning at 1 p.m. at Finley Gym. Their fondest hope is that most of our members won't show up and they'll carry off the day's voting with a small quorum of their cronies, beholden supporters and family. They remember clearly what happened last year when the meeting was at the Macey Center and voters turned out in large numbers to defeat their thieving proposals.

It was wonderful. Voters electing to vote for the good of the co-op and speaking up for the improvement of their vital utility. That's what we have to do again — this year. Even if it is inconvenient. Mark the day: May 15, Wednesday, from 1 to 3 p.m. for voting; business session from 3 p.m. It'll be worth it to stymie their deceptions again.

Their various proposed amendments include an item to allow two "at-large" trustees to be elected. That's their maneuver to bring back some of their former cronies and give them leverage to continue to railroad the co-op for their own private gain. For co-op Members that's called "going down a rat-hole".

These conspirators are lower than a child molester. Let's continue to break their grip and hire some sound management to rebuild our crumbling Socorro Electric Cooperative.

Herbert Myers

Socorro

Letters to the Editor 04/11/2013

by El Defensor Chieftain Reports | April 11, 2013 | Filed under: Opinion

SEC needs to notify members of mapping

Editor:

Last week I discovered a young man that was attempting to climb over our fence. When I approached him, he informed me that he had to get to the power poles on our property and all he wanted to know was if the hot wire on the top of the fence was on. He did not ask permission to come on our property or explain why he needed access to our property until I questioned him.

After I was informed of what he was doing, I opened gates to allow him to get to the two poles that are inside of our fences. We have these fences for the same reason that most people do, to keep stray animals and strangers off of our property, and to keep all of our dogs on our property.

This young man, employed by Chapel Mapping, acted as though he could come onto private property without asking or notifying us.

This occurred the day after our electric bill arrived. Why was there not a notice included in our bill, or in the previous month's, of the fact that a contract was to be awarded to Chapel Mapping to do the system facility inventory so that we all would know to expect them?

Why was there no notice in the Defensor Chieftain that Socorro Electric had awarded the aforementioned contract?

The only written notice of this action that we are aware of was published in the April edition of the Enchantment.

It is fortunate that I was home because if the Chapel representative had entered our property in our absence, one of our six dogs would probably have bitten him.

In discussing the action taken by Socorro Electric to accomplish the survey with friends and neighbors I have been told that if the Chapel Mapping employee did not have on an orange safety vest that there was a possibility that he could have been shot.

Contrary to the article in the Enchantment the vehicle driven by the Chapel Mapping employees was not "clearly identified" as stated. The vehicle did have a very small decal on the door that could not be read from a distance of greater of 10 or 12 yards.

This is just another example of the disregard that Socorro Electric has for its members.

Steven Randall

Veguita

Letters to the Editor 3/21/2013

by El Defensor Chieftain Reports | March 21, 2013 | Filed under: Opinion

Co-op conspiracy needs to end

Editor:

There is a conspiracy among a few of the supposed "trustees" on the board of the Socorro Electric Co-op. When people get together on a proposed action and elect to proceed with that action, that is a conspiracy. We don't often think in positive terms of activities defined as conspiracies. But, then, we don't often think in positive terms about the Board of the Socorro Electric Co-op. That's been the case for many years. The situation become volatile when the Albuquerque Journal reported our trustees were outspending every other cooperative in the state. Outspending everybody for dollars going into their own pockets.

For last month's board meeting, four of the elected trustees determined they would not appear at the meeting and thereby cause a lack of quorum. This means no business can be conducted. Their selected attorney conspired along with them to not appear at the meeting. This is illegal. Violation of the Open Meetings Act. When trustees conduct planning and other co-op business, they are required to do so under the requirements of the Open Meetings Act. Their plan to, as a group, boycott the regularly scheduled board meeting is board business. They maliciously and with forethought violated the law.

Not attending the meeting were Trustees Donald Wolberg, David Wade, Leo Cordova and Prescilla Mauldin. The attorney, paid by the co-op members, is Lorna Wiggins. No doubt, her absence in concert with the missing trustees was planned and none of the absences were announced prior to the meeting. No excuses phoned in nor notice given.

These un-trustees must be recalled by the members and removed from office. They've long given every indication they don't plan to abide by the rules, the law, nor ethical conduct. This conspiracy illustrates that beyond all doubt. Let's remove them. We will start the petitions to recall them now.

Herbert Myers, Socorro

Letters to the Editor (3/2/2013)

by El Defensor Chieftain Reports | March 2, 2013 | Filed under: Opinion

Co-op should reconsider meeting place

Editor:

May 18, the Socorro Electric Co-op has plans for members to shoehorn themselves into Finley Gym for the 2013 annual meeting. Finley Gym with its inadequate facilities, dismal parking, poor acoustics, rotten seating, extra costs and worse memories. This is the plan they hope will discourage members from attending and voting for further progress in improving the co-op. Fewer attendees, less chance of a quorum, greater chance the trustees can cancel the changes we've made in the last couple of years. Yes, their agenda includes voting out the amendments we made to the bylaws last year!

We held a most successful meeting at the Macey Center at New Mexico Tech last year. Large numbers of members attended, visited and voted. The corrupt, self-worshipping co-op board trustees found they could not overwhelm members' desire to oust them and their greed. I'll quote from a Margaret Mead: "Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has." Fellow members, we are on that path. Let us not waver from our commitment to restore the co-op to honest management and member service.

The trustees' plan is not only intended to foil advancement of the co-op, it is also more expensive. Use of the Macey Center is less costly than renting Finley Gym, renting chairs for floor seating and having lower attendance. Raise your voices and tell your trustees to do the right thing. Call your trustees. Call the co-op and make your voice heard.

We want our annual meeting at Macey Center. We cannot allow the board to revert to its gluttonous ways.

Herbert Myers

Socorro

Letter to the Editor 2/23/2013

by El Defensor Chieftain Reports | February 23, 2013 | Filed under: Opinion

Co-op meeting should be held at Macey Center

Editor:

Did you know?

The 2013 Socorro Electric Members' Meeting is set for Saturday, May 18. Last year we had that event at the Macey Center with the biggest quorum and member attendance ever! Plenty of parking, plenty of bathrooms, air conditioning, comfortable seats and decent acoustics. There was a nearby picnic area for a free hotdog, popcorn and drink giveaway. Macey's rent was \$800. This year Macey Center is available for rent on May 18.

But the SEC board decided to rent Finley Gym instead. Parking is a big problem in that neighborhood, there is no air conditioning, bathrooms are inadequate, there are concrete bleachers but folding chairs must be rented and set out, and it is very difficult to hear the program. Finley's rental price is \$750, plus the chair rental.

In April 2010, Mario Amaro said Finley was overcrowded and asked nonvoters to leave the building. This with a smaller crowd than would be present in 2012 at Macey. Members told to leave a members meeting!

Does this make sense to you? To me, it appears the SEC board does not want the member owners to attend. Finley has smaller capacity, no parking, no air conditioning, additional cost for chairs and setup, almost equal price. If you think this shows a real disrespect to the members who own this co-op, call Socorro Electric and speak your mind. Ask your city officials to respect the members and refuse Finley's use. Macey Center is available and the city will cancel the contract.

Marie Watkins

Socorro

Letters to the Editor (1/30/2013)

by El Defensor Chieftain Reports | January 30, 2013 | Filed under: Opinion

New trustees mean new age for cooperative

Editor:

The newly configured Board of Trustees at the Socorro Electric Cooperative is much improved. Although this comes from attrition and no effort on the part of the board, as we historically know it.

I call upon all honest members to stay alert, aware and active in their co-op's operations. If we want our cooperative to become above average, even in New Mexico, we will have to demand honest oversight from the board, proper management from Joseph Herrera and above-board audits from an independent accountant.

None of that has been assured under the previous board. Stay involved. There's hope under new President Luis Aguilar. We've fought hard for small gains; it's no time to relax. These guys enjoy the support of corrupt local and county officials.

There has already been a movement to make irrelevant the annual members' meeting. They introduced a motion to hold the meeting on a Wednesday night starting at 5 p.m. Preventing as many as possible voting members from attending is their intent. Without a quorum of interested voters, their prayed-for result would be to restore the old rules and board to power. It was a close vote at the meeting on Wednesday night. Luckily, the new board voted to conduct the meeting on Saturday starting at 1 p.m., May 18, 2013. Keep that date firmly in mind.

My great-great-great-grandfather moved to Socorro in 1820, but this is only my eighth year here since retirement. The only "real" annual meeting in my experience was last year when we met at the Macey Center at New Mexico Tech. Large enough, good parking, and plenty of seats for a quorum. Now, the board proposes to return the meeting to the old Finley location. We must not allow that if we hope to accommodate attendance and participation by as many members as possible. Members should feel wanted, respected, and valued. Finley Gym is about the old-guard tactics. No respect.

Speak up, members. Let's keep the gains we've made. The opposition's greed knows no bounds.

Herbert Myers

Socorro

Letters to the Editor (1/16/2013)

by El Defensor Chieftain Reports | January 16, 2013 | Filed under: Opinion

Should PNM handle electric for Socorro?

Editor:

Isn't it time to update the electric power franchise for the city of Socorro from a cooperative to an investor-held electric power company like PNM? Doing so would save city residential customers 3.5 cents/kwh and \$10/month in service fees (based on published rates online), and we would no longer have to put up with the antics of the co-op Board. The co-op could continue to serve customers outside the city franchise area. For example the city of Deming is served by PNM, but surrounding county areas are powered by the Columbus Electric co-op (at a cost even less than PNM).

A co-op made sense years ago when Socorro was a rural area, but now as a city, why should we continue to pay higher rates? How do the higher rates and the spectacle of Coop Board bickering impact our property values and the city's competitive position attracting new business? Why are only five of the 33 most populous communities in New Mexico served by electric coops (members of the New Mexico Rural Electric Coop Association)?

City electric power 25 percent cheaper and less management nonsense? Sounds like a "no-brainer" to this writer. Hey city leaders, what about it?

Clint Janes, Socorro

Co-op reminder of Greek myth

Editor:

In Greek mythology there was a monster, the Hydra, with a snake-like body and numerous heads. When one head was cut off, two appeared to replace it.

In Socorro we have a Hydra, the SEC bylaw committee. The SEC board has voted to resubmit their previously proposed resolutions that failed to pass at the 2012 meeting, to the 2013 annual meeting — and to increase the definition of a quorum of the membership from 3 percent to 5 percent. The "heads" have grown back as repeat resolutions that were already defeated but must now be squelched the member-owners again.

So, even though member-owners roundly defeated resolutions to increase the size of the board, cap compensation to the board and restrict financial contributions to nonprofit corporations, we are asked to vote on these resolutions again. In other words these are proposals to change what member-owners have already defeated.

I am outraged by this and believe the Hydra needs to stay in Greek mythology, not be part of what is happening in Socorro.

Ruth White, Socorro

Letters to the Editor (1/12/2013)

by El Defensor Chieftain Reports | January 12, 2013 | Filed under: Opinion

Co-op reminds reader of classic horror films

Editor:

I have been pleased by all of the reporting on the activity of the Board of the Socorro Electric Cooperative. I often send copies of the articles to friends in distant places because they don't always believe what I tell them. It amuses them in a cruel sort of way that we who suffer through the meetings cannot appreciate.

I was, again, astonished by the actions of the board at the Dec. 28 meeting. How can the members be more clear in our message? We want a professionally run board. We want the childish and kooky shenanigans of the old guard to stop. However, that message must not be getting through.

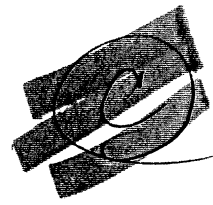
I have another piece of black humor to send my friends that the Chieftain's reporting provided. The parody of government I will share is this: "Trustee Donald Wolberg said it is difficult to see where democracy is served if only three out of 100 people determine what is right for everybody."

This is after a miniscule percentage of the membership (represented by the unreconstructed and refractory trustees) received a five-to-one drubbing in the last annual meeting and still refuses to give in to the desires of the members.

I have told my friends that each one of our apparent victories over the old guard should be regarded as like a point in a monster movie. If the monster seems to have been defeated and the movie has half an hour to go, the monster is not defeated. I guess we are still in the middle of the movie.

John Wilson

Magdalena



Letters to the Editor (12/05/2012)

by El Defensor Chieftain Reports | December 5, 2012 | Filed under: Opinion

Co-op trustees fail representation

Editor:

There are few events that deliver a kick to the gut like the betrayal of an implicit trust. Whether it comes from a straying spouse or a Ponzi schemer, the pain and emptiness that follow treachery are indescribable and demoralizing. Anyone who has experienced it would wish it on no one else. Then there are the Socorro Electric Co-op's so-called trustees.

Trustees are, by definition, persons we've given authority and responsibility over important facets of our lives.

The elected "trustees" in control of the board place themselves prominently at the top of the beneficiary food chain. It's been clear for many years this is the case, but their recent tactics at elections and meetings reveal betrayal of their fiduciary responsibility to the members in an overt and scornful manner as bad as any imaginable.

The monthly meeting of the board, 11/28, this year, reached a low unprecedented by previous schemers.

Board Vice President Dave Wade insists that members follow the rules, when it meets his needs, but bends and breaks the SEC bylaws for whatever purposes he and his "Gang of Six" trustees find essential.

The Gang has a deputy sheriff on duty at each meeting and they threaten to evict anyone Wade and the ever-voluble Don Wolberg don't approve. They don't approve of SEC members. SEC members pay for the deputy's attendance and intimidation role. The trustees' attorneys are always present and we pay for that.

In the latest issue of the "Enchantment" newsletter mailed to all co-op members, Keven Groenewold, executive vice president of the New Mexico Rural Cooperative Association (614 Don Gaspar Ave., Santa Fe, NM, 87505; phone: (505) 982-4671; www.enchantment.coop), wrote an article titled, "You Are Your Rural Electric Cooperative". Besides telling us we are the owners, Groenewold states that trustees have a "...duty to follow through on the wishes of those who elected them."

Since we, the members of the SEC, are not getting that representation from our trustees, I encourage all members to write or call Mr. Groenewold. Tell him how we are the exception.

I grew up on a dairy. I know about manure forks. When I went off to college I figured I was through with that kind of work. Nearly 50 years later, the smell is just as offensive as ever. Help.

Herbert Myers

Socorro

Letters to the Editor (12/01/2012)

by El Defensor Chieftain Reports | December 1, 2012 | Filed under: Opinion

Co-op members investigate

Editor:

In the weeks since the District 4 election, Gayl Dorr and I have been looking into the procedures that were in place for that vote. There seems to be a wide assortment of problems.

Earlier this year, when the members were divided into five districts, each district was to be just under 2,000 voters. The co-op's own website lists District 4 as having 1,993 members. Since mail-in ballots are not permitted, a post card mailing was done by Survey and Balloting Systems, a third party, neutral firm. They worked from a list provided by the co-op. Only 1,648 names were given to them, according to their sworn count.

Previously, Gayl Dorr had asked for a list of District 4 members and was given a list with 1,605 names (no addresses). The voting sign-in books at the meeting on Oct. 6 had more than 2,600 listings. Many of these were duplicates, such as Fish and Wildlife, BLM or other government groups. Even allowing for this, and members moving etc., the wide disparity in voter numbers made it worth a careful examination of all the signatures.

We found more problems. At least one signature and address was for a property outside of District 4. Several voters voted for their residence but were also given a second vote for a security light or a pump. Under current bylaws this is not allowed.

There are also examples of proxy voting, someone else voting for a person who did not attend. This is also not allowed under the bylaws. There are places where a person voted but were not required to sign the voter role.

A few of the business votes, within the city limits, are not backed up by a city business license. Some even seem to be imaginary, yet they voted. The mail-in ballots for businesses did not include any instructions for sending an affidavit, while in person business voters were given one to sign.

With all these irregularities, a full audit of this close election is appropriate. As the contract with Survey and Balloting Systems says they cannot be held liable since they can only work with the information they are given.

The number of these discrepancies makes the results suspect. To resolve this situation the election should be overturned and the member owners given an opportunity for a fair and honest vote.

Marie Watkins,

San Antonio

Information requests ignored

Editor:

Recently we received a flyer from the Socorro Electric Cooperative. It was their attempt to gather information. Ten thousand were mailed at a cost of \$7,000. Out of the 10,000 only 49 were returned, so the cost per flyer would be \$140 each. With so little response, what information can they ascertain?

We have repeatedly asked for information about the SEC spending practices but have been road blocked or flat denied, their reasoning being it costs money.

The board recently passed a ruling that if you go in and ask for information it will cost you \$1 per copy. The Chieftain was asked to pay close to \$100 for public information that is made available for free at meetings of the Socorro County Commission, City Council, etc. This is beyond highway robbery, it is an attempt to discourage anyone from looking into the matters of the member owned S.E.C.

Prior to all of this, I had asked the general manager to see about putting everyone's district on the light bill — that way folks would know who to vote for and what district they were in. I was informed that it cost too much money for the software. Do you imagine it costs more than \$7,000?

Also, FYI, at the last SEC meeting our new board member from Catron County was in the audience. Mr. Wagner asked if she could be seated on the board immediately. Catron has not had representation since April when we went to a five-member board. The board's response was a resounding "no" and they also declined to certify the District 5 election even though they had the election summary, the official results and media breakdown. Even with all the media coverage and court intervention, the SEC board is still not complying and just being a bunch of thugs. Hope to see you at our next SEC meeting.

Charlene West

Lemitar

Letters to the Editor (11/07/2012)

by El Defensor Chieftain Reports | November 7, 2012 | Filed under: Opinion

Congratulations new District V SEC trustee

Editor:

Congratulations to Mrs. Dorough on her successful win and to Mr. Green for both running a very clean campaign. Unlike our experience in District IV, where Mrs. Door's signs were removed, stolen two nights before the election. We (since I have had several comments from neighbors) are in favor of all amendments discussed and voted on by the members in attendance.

I wonder how the District V membership would feel about lowering the trustees' pay, to about \$1,000 a year? And perhaps a suggested amendment to the by laws of the entire county, and SEC membership, on district voting. Since the entire membership voted on redistricting, it would all vote county-wide in each other's district. Perhaps this would be a way to achieve what the majority of what "we" desire — an end to career politicians and a select few governing.

And as a response to Mr. Wolberg's assumption that a "few," reform members are in control — well lets see 119 in District IV, 108 in District V. If the reform members could vote in each other's district, I am sure that a "few" of us would weed out the unnecessary trustees, and we would be better served since, as it stands now, whatever the trustee in the adjacent district says or votes on affects us all.

An open letter to the public via this newspaper from anyone in District V would be welcomed.

James Padilla

San Antonio

Letters to the editor (10/17/12)

by Staff | October 17, 2012 | Filed under: Opinion

Trustee speaks for himself

Editor:

I want to address Mr. Albrecht's letter to the editor in the Defensor Chieftain on Oct. 10.

During the meeting he shouted out and questioned why I was voting at the District IV Meeting in San Antonio. The former District III, which was made up of the city of Socorro, is now split into three different districts. While I reside in the current District III, I also have rental property in the new District IV, which is under a sole proprietorship, and eligible to vote in District IV, according to the bylaws.

Before questioning my eligibility to vote, Mr. Albrecht should have done his due diligence by asking either Mr. Herrera or the SEC attorney for clarification or by simply reading the bylaws.

I also want to address Mr. Albrecht's concern on the eligibility to vote by members whose accounts are in arrears. The SEC cannot discriminate against members by not letting them vote if their accounts are in arrears. Who is going to question a member while they are registering if they are current on their account and there is nowhere in the bylaws that allow the SEC to do that very thing. As long as a member has an active meter, they are eligible to vote regardless of the status of their account.

In conclusion, Mr. Albrecht and anyone else questioning by eligibility should remember that they voted for five districts of approximately 2,000 members per district. How quickly he and others second guess the very changes they voted for. I am sure that I am not the only SEC member with eligibility in more than one district by virtue of the re-alignment of districts.

Please, Mr. Albrecht, don't question my integrity publicly unless you are certain beyond a shadow of a doubt that I am guilty as charged.

Milton Ulibarri

SEC District III and IV Member

Letters to the editor (10/13/12)

by Staff | October 13, 2012 | Filed under: Opinion

Co-op questions

Editor:

It would be nice to do a follow up article on the Socorro Co-op regarding voting regulations and vote counting methods i.e. what determines an eligible voter for a district election, can a person vote if their account is in arrears, and why is the co-op not using paper ballots for eligible district voters? It shouldn't take that long to tally votes and there wouldn't be any discrepancies over who should and should not be allowed to vote. A representative for each candidate could oversee the votes tallied.

The city and county have always tried to do their best to reduce light pollution in the area. Hopefully co-op elections are not going to cause an influx in light pollution and power usage because of elections.

Gayle Rhodes

Lemitar

Letter to the Editor (10/10/2012)

by El Defensor Chieftain Reports | October 10, 2012 | Filed under: Opinion

Do co-op trustees use money wisely?

Editor:

“It shall be the aim of THE SOCORRO ELECTRIC COOPERATIVE, INC. to make electric energy available to its members at the lowest cost consistent with sound economy and good management.”

The above words are the mission statement at the beginning of the Socorro Electric Cooperative bylaws. I have perused this and the bylaws that follow it trying to find where the Trustees found the authority to invest member funds as venture capital. Let me explain.

It was announced at the monthly meeting held Aug. 29, 2012, that an individual owning 500 plus acres in District One was desirous of utilizing that land as a wind farm. He was offering the cooperative the “opportunity” of funding a feasibility study to determine if this were possible. Such study was estimated to cost approximately \$5,000. When or if such a study proved the wind farm viable and when or if construction of the wind farm commenced, the funds (with no interest) would be returned to the SEC. The matter was tabled for further study.

Miraculously, at the next meeting on Sept. 26, 2012, an agreement drawn by the SEC attorney between the SEC and the individual appeared on the agenda for approval. A motion was made and seconded to approve the agreement. When one trustee questioned the existence of a policy for such agreements, he was told that no policy existed nor was one needed. The agreement was approved 7-1.

In my opinion, the use of member funds to perform feasibility studies in alternative energy is not consistent with the goals of the cooperative. It is neither sound economy nor good management. Please contact the trustee for your district and request that the motion be rescinded.

Anne Dorough

Pie Town

SEC election determined by yard lights

Editor:

Late night thoughts after the SEC District IV meeting:

I came away with the impression that the outcome of the election was determined by yard lights. Many genuine members voted, but also some votes were cast by people who just have yard lights in their names. The term “members” might lead you to think of individuals or families who have a membership for their home. Turns out it’s not that simple. When a particular vote was being taken, for ease of counting they had the members stand in turn. I noticed that Milton Ulibarri was standing to vote. He does not live in District IV; he is a Trustee from District III. So I said, “sit down, Milton.” Then Mr. Wade informed me that Mr. Ulibarri has a yard light in District IV. You call this membership? I don’t. This is selfish abuse, and if it is in fact tolerated by the current rules, those rules should be changed. Further, I have heard that some families have yard lights, each in a different name, on the same premises as

legitimate memberships held by other members of a family, thus garnering extra votes. This is a naughty no-no, too.

Another matter that is in the rules but was apparently ignored is the fact that members whose accounts are in arrears are not entitled to vote. While there was a mechanism to ensure that people who got mail-in ballots did not also vote in person, a similar list should have been at hand for applying the rule about arrears. It appears that this was not done. If there were four or more such accounts, then this itself makes the entire election tainted, and it should be thrown out; there is no verifiable way to disallow particular ballots.

The member-owners voted at the famous Annual Meeting that their affairs be conducted in accordance with Robert's Rules of Order (which at this time would be Robert's Rules of Order, Newly Revised, 11th Edition ("RONR") (www.robertsrules.com/)). If any older rules conflict with RONR then they were nullified by the members' vote. A thorough examination of the Co-op's rules is in order with this in mind.

Eric K. "Bear" Albrecht, Member-Owner, District IV, San Antonio

Letters to the Editor (10/06/2012)

by El Defensor Chieftain Reports | October 6, 2012 | Filed under: Opinion

Sign thieves should be ashamed

Editor:

Last night all signs advertising Gayl Dorr's candidacy for the SEC Board set in District 4 disappeared. From Escondida to San Antonio and all places in between, the signs vanished from the road sides, people's lawns and fences. This is an illegal act and has been reported to the sheriff's office.

It is too late to get more signs made and too expensive to put up more signs to be stolen but the reaction to such disgraceful behavior should be to get even more determined to elect Gayl. Who in their right mind would back the disgraceful thieves that consider such action to be okay? If any of you have any information, contact the sheriff's office.

Charlene F. Wagner

Magdalena

Letters to the Editor (07/28/2012)

by El Defensor Chieftain Reports | July 28, 2012 | Filed under: Opinion

Same old story?

Editor:

“Ground Hog Day” is the title of a movie where the same events keep repeating themselves without change or moving forward. Aren’t the events related to the SEC members voting for a change in representation (5 instead of 11) and transparency — to name only a few — rather like this? We keep voting for changes that are never made.

Now there is to be a “special meeting” on Tuesday, at 5:30 p.m. at the SEC co-op building on Abeyta St. Members are not to be admitted to the meeting, (only the judge, lawyers and board), though members may sit in the parking lot and listen to a broadcast of the meeting. Let’s hope the weather is favorable and the speaker system is working at a clearer volume than any sort of acoustic in the board room. Why could this meeting not be held in a place that could accommodate a larger, interested audience?

We vote and we vote again. We get messed over and messed over again. Nothing changes. Yep! Just like “Ground Hog Day.”

Ruth White

SEC members/owners called to attend hearing

Editor:

The member/owners of the Socorro Electric Cooperative have not been adequately informed about the Special Meeting of the Board of Trustees, their attorneys, and (as I understand it) Judge Mitchell on this upcoming Tuesday, July 31. The meeting will take place at 5:30 p.m. at the co-op yard on Abeyta street.

This meeting is being held by order of Judge Mitchell, but the trustees sought to keep the members out by holding the meeting in “executive session.” The judge is permitting this to happen, but the good news is that it must be broadcast so that the members waiting in the parking lot can hear it.

So bring a chair and come join us. You’ll gain a lot of insight into what’s going on.

Sincerely,

Audrie Clifford

Letters to the Editor (06/16/2012)

by El Defensor Chieftain Reports | June 16, 2012 | Filed under: Opinion

Letter contained untruths

Dear Editor:

You recently published a letter to the editor submitted by Herbert Myers accusing the Socorro Electric Co-op of manipulating the Government in Action Youth Tour.

This is a lie. Let me set the record straight for Mr. Myers.

1. Five students were to be selected, one from each of the high schools in the SEC's service area, which are Belen, Magdalena, Alamo, Quemado and Socorro.
2. SEC staff notified and explained the program to each of the counselors or school staff from all five schools. The counselors were to contact students to inform them of the youth tour and the requirements. Interested students were required to write an essay.
3. The essays were sent to the selection committee, of which I am a member. We, the committee, met and reviewed each of the essays and made our selections.

One essay from each high school was chosen. Again, the committee chose the essays, not the two people you have been falsely accusing, namely Mrs. Latasa and Mr. Baca, both of which have a bit more class than you and some of your "friends" lack.

Mr. Myers, you also stated that inquiries have been coming to you. Why you? I would like for you to refer those inquiries to me. Please send me the names of the parents, families or students that contacted you, so I can explain the process we used in making the youth tour selections.

I don't recall you being in the meeting where the selections were made, so how can you possibly give accurate information and claim to be so knowledgeable about the process?

Mr. Myers, before you go to the newspaper to falsely accuse respectable people, you should get your facts straight.

Leo Cordova

SEC Trustee, District I

Letters to the Editor (05/30/2012)

by El Defensor Chieftain Reports | May 30, 2012 | Filed under: Opinion

Fairness should prevail at co-op

Editor:

Feelings seem to be running high from supporters of the Socorro Electric Coop's Trustees and management. Trustee Donald Wolberg is calling out members' public statements as lacking in "fairness." Even the husband of an SEC employee is taking space in the Defensor Chieftain to protest the members' questioning the scholarship awards process.

Fairness, justice and abiding by the rules? I believe none of those terms would have entered into the thinking of traditional SEC board trustees in recent memory. Of course, ethical standards and principled conduct vary from community to community.

The prevalent practice in small town New Mexico is playing the bigshot and grabbing all that's possible. That's true in Santa Fe, too, but it's a small town, as well. New Mexico is a beautiful place, yet its drawbacks arise frequently in the form of corrupt politics and agencies. Lawyers make a tidy profit in abetting the process. The trustees have several to protect them.

There are those who would prefer the co-op operate above-board and with the best interests of the members foremost in mind. Too bad that's controversial in Socorro. Displacing those who would continue operation and management of the SEC in service to themselves is bound to raise a few hackles among the beneficiaries of those gains. Protests are going to surface with demands for "fairness," understanding, even respect for the commonly accepted and traditional practices.

Employees at the co-op understand what's going on. They keep their personal views private to avoid losing their jobs at the hands of vengeful management and board trustees. Better to keep their jobs and avoid loss of livelihood. That's understandable. Most of us have worked unendingly under ego-maniacal bosses that require genuflection from their underlings. There's no respect involved in that transaction. Nevertheless, disrespected, abused employees will speak up someday.

Staying with the theme of "fairness" — if I was in Charlie Wagner's position, I'd have taped and recorded as much as possible of any gatherings where he's outnumbered by great odds among the trustees. In the face of the pugnacious, bellicose and loudly aggressive trustees, I'd want evidence of what happened behind closed doors. Such evidence might be of little use with our resident district attorney, but it could serve well in a different venue. You go, Charlie.

Herbert Myers

Socorro

Letter to the Editor (05/09/2012)

by El Defensor Chieftain Reports | May 9, 2012 | Filed under: Opinion

SEC board not in touch with reality

Dear Editor,

I have to agree with most of your observations, as I believe most people who have followed your reporting would agree also. The exceptions are obviously the majority of the SEC Board and their attorneys. Their arrogance and determination to disregard the law and bylaws has warped their collective grasp of reality. They are still having surprising success in fooling some of the people some of the time, including you, no offence intended. I call attention to your comment describing the members actions during the "New Business" portion of the meeting as "proposals." Those motions made from the assembly, which were overwhelmingly either rejected or carried, were completed transactions. The motions carried are now the bylaws as amended by action of the members at a meeting having a quorum. Your assumption, that the members will have to "ratify" these changes a second time, is totally incorrect. The language of the New Mexico Electric Cooperative Act [62-15-7] is plain language, which does not require a law degree to comprehend. It is also consistent with the federal requirement of democratic member control. Here is the law: 62-15-7 Bylaws. The original bylaws of a cooperative shall be adopted by its board of trustees. Thereafter bylaws shall be adopted, amended or repealed by the majority of the members present at any regular annual meeting or special meeting called for that purpose, a quorum being present. The bylaws shall set forth the rights and duties of members and trustees and may contain other provisions for the regulation and management of the affairs of the cooperative not inconsistent with this act [62-15-1 to 62-15-32, NMSA 1978] or with its articles of incorporation. As you can see, the members, despite efforts by the chairman and his attorney to interfere and block motions from the floor, were only partially successful. The motions carried are indisputably in effect. This means that the election of trustees in the fall can include voting by mail, and the other measures passed are operative as well.

Sincerely,

Charlie Wagner, Trustee Socorro Electric Cooperative, Inc.

Why does SEC need Ms. Latasa?

Editor:

So Ms. (Eileen) Latasa is mad as hell, huh? She objects to Mr. Wagner having a copy of the executive sessions though he has weathered untold abuse from this board and yet no one is asking the real question — "Why is Ms. Latasa at every executive session?" She is not there as a secretary — the board has that position filled by Mr. Luis Aguilar. This board of trustees has monthly sessions (and presumably all executive sessions) taped. Ms. Latasa then types up an abbreviated version, and the tapes are destroyed. Seems like a great way to edit away any uncomfortable history. Mr. James Cherry attends all monthly board meetings and makes a complete audio and video record (of the meetings), which is

available on his blog, www.informedcynic.com. This means there is now a real record of what goes on, no thanks to the board. So we have a tape by the SEC, a board secretary and an independent video for reference. Again I ask, "What is Ms. Latasa doing there?" She attends all regular monthly meetings, all executive sessions and all committee meetings. This adds up to quite a large chunk of overtime for this salaried employee. Is she after the financial windfall or does she imagine that things just can't function without her? She has positioned herself where several times a year, she joins the board members at national meetings around the country. This is in addition to the questionable tour of four students she will lead to Washington, D.C. Two of these students have direct ties to the SEC board and yet SEC funds will pay their way. The SEC co-op manager has announced the need to hire office help for Ms. Latasa. Perhaps it would be more to the point for her to concentrate on the job she was hired to do and keep her fingers out of other matters. If she does not like the new system at SEC — that is member owners taking control — she can resign and find a more comfortable position elsewhere.

Marie Watkins, San Antonio

Letter to the Editor (05/05/2012)

by El Defensor Chieftain Reports | May 5, 2012 | Filed under: Opinion

Be informed or not

Editor:

Recently a member of the SEC commented during a board meeting that Trustee (Charlie) Wagner is the "leader and champion of the uninformed cynic." This is a thinly veiled reference to the website, www.InformedCynic.com. The publicity is appreciated.

Readers of the website have asked several times in the recent past who owns the site and controls the content.

The short answer is, only the owner and webmaster, since 2001. The website was developed without permission of any board member, employee of the SEC or "reform committee."

The service takes pains to be accurate and transparent. We believe cautious or open-minded persons would want to see more corroborating details surrounding the issues.

As a result, the website is followed by other co-ops with similar problems in New Mexico, Georgia, Arkansas, Texas, Minnesota and North Carolina.

In the lawsuit discovery process it was made quite clear the website is awarded same protection under the constitution as any other media outlet.

On several occasions the SEC, the board and the "reform committee" have been invited to submit commentary in the form of a press release or as a member of the public, a letter to the editor. The co-op, nor any board member, has taken advantage of the offer. Perhaps they think the videos of their board meetings are sufficient.

James Cherry

Magdalena

Webmaster, Informed Cynic

Letter to the Editor (05/02/2012)

by El Defensor Chieftain Reports | May 2, 2012 | Filed under: Opinion

Youth contest rigged

Editor:

I find it reprehensible that the (Socorro Electric) Coop would participate in a youth essay competition rigged to select winners who are relatives of SEC officials or trustees. The recent Government in Action Youth Tour 2012 winners might have been fairly judged and selected, but inquiries have been brought to my attention.

I feel these questions must be addressed publicly and with a thorough investigation in order to allay feelings of mistrust in the community.

1.) The winners from Magdalena and Socorro high schools are relatives of Eileen LaTasa and former trustee Harold Baca, respectively — LaTasa's grandson and Baca's granddaughter. Relatives of children not chosen have come forward to question the fairness of the process or lack of inclusion in the competition.

2.) Mrs. LaTasa is known to be the chaperon accompanying the students on their excursion to Washington, D.C. Mrs. LaTasa's husband is said to be also traveling with the group at SEC expense.

This is being questioned and I find it questionable, too.

These issues raise the spectre of manipulation in a seemingly noble educational cause. The coop's recent history does not lend itself to implicit trust from the community. Parents must know their children will not be treated as less than equals when coop officers or trustees award scholastic prizes. The coop must not be viewed as a corrupt sponsor for junkets given to insiders or conspirators in unfair contests arranged for predetermined outcomes at members' expense.

In addition to an investigation by neutral parties, preferably education professionals, I recommend the chaperons be selected from the ranks of teachers at the participating schools. That would be more educationally beneficial than sending Mrs. LaTasa and her husband.

Avoiding the appearance of a scandal is not enough. We must avoid scandalous actions in spirit and behavior as well. This coop must learn to be above reproach.

Students and their parents and families deserve better. The lessons being observed here are extremely harmful to growing young people. They deserve to become hopeful, optimistic adults; not cynical, distrusting politicians.

Herbert Myers

Socorro

Look into Co-op business

Editor: Your April 28 article on Socorro Electric Co-op's recent board meeting provided a piece of evidence that all is not well internally with this business. General manager Joseph Herrera reported that

“there were 13 new connects compared to 99 cancellations during the month of March.” Trustee Donald Wolberg added: “This is troubling, the number of disconnects have far outweighed the number of new connects for the past year.”

At the very least, the Chieftain should follow up on Mr. Wolberg’s assertion and investigate and report the number of new connects and disconnects for each month since January 2011. It does not take an advanced degree in economics to note that a long term continuation of this “troubling” trend bodes ill for the membership; first on the list of remedies by the current board will be an across the board increase in all basic service fees. Should we, as the owners, demand similar decreases in employee benefits and employee numbers in exchange for these future increases? The first item on the agenda, however, is to elect five new members to the Board, five who will be more interested in serving others than in serving their own financial interests.

Tom Kimball

Veguita

Letters to the Editor (04/21/2012)

by El Defensor Chieftain Reports | April 21, 2012 | Filed under: Opinion

Co-op members had their say

Those of us in the reform group are positively glowing with pride in the members' response to our pleas for attendance at Saturday's Socorro Electric Cooperative annual meeting. The people voted in accordance with our recommendations and thus began the process that will eventually result in having the kind of co-op that we all want. And yet...

The members are entitled to know that the trustees interfered with our plans to spend an enjoyable two hours with the attendees prior to the business meeting. Some of us had set up a canopy next to Macey Center where we planned to serve the food and drinks we were offering, in addition to two tables with sample ballots and other handouts. Before 10 a.m., campus police were instructed to tell us that there could be no campaigning within 100 feet of the polling place.

It was our contention that although this rule is observed in all federal, state and local elections, it does not apply to a private member-owned cooperative meeting. The co-op attorney was there and stated her opinion that it most certainly did. The campus police, who were very nice to everyone, were put in the position of having to enforce a ruling that may or may not have been applicable. They tried several times to contact the District Attorney, but he was not available to answer any of their inquiries. We moved our food out under the trees and distributed our literature outside of the 100 foot limit.

We became concerned about the length of the lines of people waiting to vote as the designated 3 p.m. cut-off hour neared. In having worked on an election board many times, I know that in a regular election, when the cut-off hour is reached, an election board member goes out and stands behind the last person in line, and everyone in front of him is allowed to vote. I asked the campus police if this election could be handled that way. Once again, they couldn't get any advice from the District Attorney.

I don't know how it was done, as I was in the auditorium, but Mr. Bustamante announced during the meeting that there were a few people who had not been able to vote.

Isn't it strange? They insist on applying regular election rules in one instance, and apparently not in another.

Anyway, the members were there and they voted the way we hoped they would.

Thank you, thank you everyone.

Audrie Clifford

Socorro

Now's the time to come together

Editor:

Our annual meeting of Socorro Electric Cooperative is over. For some it was a great success, and for others a disappointment. But let us come together now not as adversaries any longer, but as neighbors seeking a system that is workable for us all.

There remain some items to straighten out, such as when and how elections for our new board members can take place, and who will we choose? How long will we allow the former board to meet, make decisions and be paid?

We all recognize that in our zeal to make some changes we weren't thinking too clearly about all the issues, but perhaps that is part of "grass roots democracy" after all, and the place where good leaders step forward to lead for the good of all.

One item we ought to pursue is the format for the annual business meeting. As it now stands it is too long and cumbersome and has resulted in the past in turning away members who needed to stay and vote to make a quorum. We surely owe our sincere thanks to the co-op's staff, who gave of their time and effort to set things up for us. And to all who so unselfishly worked to make this meeting reflective of our will.

Martha Hatch

Socorro

Procedures were not followed

Editor:

Thank you for your clear coverage of the Socorro Electric Cooperative annual meeting last Saturday at the Macey Center. Your reporting was accurate, but Mr. Bustamante's understanding of events at this meeting were not. I want to clarify a few points:

1. At most meetings, surely "open meetings," an agenda is presented to the group and they vote to accept, modify, or reject the agenda. This was not done at this meeting.
2. I waited until after the necessary patriotic and religious rituals had occurred and Mr. Bustamante had stated that there was a quorum. Only then did I make a motion to amend the agenda so that new business would be considered before speeches and reports. My motion was seconded. At an open meeting any member can present a motion to be considered by the body present.
3. Mr. Bustamante refused to acknowledge my motion and did not allow any discussion of it. He proceeded with the agenda he had in hand, which had not been accepted by the group. He controlled the microphones and would not let me or others speak to my motion.

The group did not respond positively to his tactics; it was indeed contentious at times. They were clearly not at the Macey Center to hear political speeches, reports, or awards of the board of trustees. It is unfortunate that the president felt a need to control the group as he did. I hope that in the future proper procedures can be followed and true order can be routine at Socorro Electric Cooperative meetings.

Catharine Stewart-Roache

Socorro

Letters to the Editor (03/31/2012)

by El Defensor Chieftain Reports | March 31, 2012 | Filed under: Opinion

Co-op members need to show up

Editor:

Ninety percent of success is “showing up”, they say. The mere act of being there is the most crucial factor in reaching one’s goals. Like getting a high school diploma, getting a college degree, winning the election. That’s what we, members of the Socorro Electric Cooperative, must do on April 14, a couple of weeks away. We have to show up.

Once a year we have an opportunity to vote; to be heard in the name of ownership in our electric power cooperative. Let’s not pass up this chance. April 14, at 1 p.m.

The place is the Macey Center on the campus of New Mexico Tech in Socorro. The board of trustees of the SEC have made little effort to let you know that’s the location of this year’s meeting. Despite all their opportunities to publicize this, they’ve chosen to wait until the very last moment to state, officially, the place for the meeting. They would rather you didn’t attend. That’s the bare, disturbing reason. Their ulterior motive.

If you don’t show up and cast your vote, they’ll proclaim an absence of attendees means lack of quorum. Lack of quorum gives them another shot at restoring the old rules for their dominance of the co-op. We said the rules have changed. They want to ignore our rules and court rulings supporting us. They’ve hired another lawyer to counsel them in their efforts and have us pay the bill for her services to the board. That’s an absurdity that must be hilarious to disinterested outsiders.

If that’s not enough to get you off your chair to defend yourself, we’ll try to entice you with a bit of fun. The meeting has registration from 1 to 3 p.m. The actual meeting convenes at 3 p.m. at the Macey Center. Starting at 1 p.m. we’ll have hot dogs, popcorn, information, and camaraderie outside the Macey Center. Come to vote. Enjoy meeting some of your co-members and reform-minded owners of the co-op. Yeah, it’s just hot dogs; but even though the trustees will be eating steak and billing you for it, we’ll be the ones dining in the full light of just stewardship.

Bring your own drinks and whatever you’d like on your dogs. We’ll have mustard and relish for the moment. Bring some chairs if you’d like. It’ll be like tailgating and getting into our gameface for the voting. That’s 10 percent you’ll add to the 90 percent for showing up. We can all give 100 percent one day of the year, right?

Herbert Myers

Socorro

Editor’s Note: In keeping with our policy regarding elections, El Defensor Chieftain will not be publishing any more letters pertaining to the Socorro Electric Cooperative annual meeting prior to the meeting on April 14.

Letters to the Editor (03/28/2012)

by El Defensor Chieftain Reports | March 28, 2012 | Filed under: Opinion

Just say 'no' to trustees' wants

Editor:

On Saturday, April 14, at 1 p.m., registration will begin for Socorro Electric Cooperative's annual meeting, to be held at the Macey Center in Socorro.

During that meeting, if it goes anything like past annual meetings, the "trust me trustees" will again try to manipulate, have their way, stall, block and do whatever they can to inject their new proposals.

In 2010, the members voted to limit their pay to \$10,000 per trustee, \$15,000 for the board president, voted to limit the number of board members to five and voted for transparency. Now, two years later, they intend to ask for a raise, want seven board members and, the secret part, donate funds to whomever they please.

I suppose in their view suing the members merits a raise, trying to slip seven board members into five districts, thereby controlling the votes in Socorro, merits a raise, and "donating" to whomever they please also merits a raise.

I wonder how foolish "their people" feel now, unless of course "their people" are recipients of these donations.

To everyone that I have talked to recently and who can't believe how our local trustees act, show up and vote "no" to all of the above. Let's limit their compensation to \$8,000 and \$10,000 period, and demand five districts with five trustees. And no donations to anyone. It's our money!

If they need a high-priced attorney, let them finance it. If they can't live with \$8,000 and \$10,000, they can resign, leave, and do the members a favor. We demand restitution from all previous attorneys and trustees, including all present attorneys and trustees.

Finally, where do the local bankers, insurance agents and business owners stand? Because as a voting block of members, we can move our money elsewhere.

James Padilla

San Antonio

Letters to the Editor (03/17/2012)

by El Defensor Chieftain Reports | March 17, 2012 | Filed under: Opinion

Co-op members need to fight 'the monster'

Editor:

Well, here it is again the Socorro Electric Cooperative annual meeting is almost upon us and, believe it or not, the board of trustees wants more money, no term limits, wants to give away our money to whatever suits their fancy, and wants seven people on the board, not the five members asked for at the 2010 annual meeting. And yet they claim that they are doing it for the good of the members. They seem to believe that since they were elected they, and only they, know what is right.

Do you get the feeling that the main word is want? The board has no regard as to what is right, just they want.

I spoke to a friend the other day and she said that she's so sick of hearing about this, I totally agree with her, but that is what the board is counting on. That is why they have delayed and dragged their feet in hopes we will all say to heck with it — just let them do whatever they want as long as the lights come on.

But at what cost? Do we really want the next generation to just roll over and say don't rock the boat, because that is how third world country's are built? Greed is a monster. It comes in all shapes and sizes. There is greed for power and there is greed for money. Whatever the monster we have to fight it, we owe it to the next generation to teach them that what right is right and what wrong is wrong.

Integrity and scruples are very important. Please come to the annual meeting (Saturday, April 14 at Macey Center in Socorro) and let them know, that hell no we are not going to surrender our co-op to you the board of trustees. We have a voice, so lets use it. If you take one step at a time, eventually you will get there.

Charlene West

Lemitar

Letters to the Editor (03/07/2012)

by El Defensor Chieftain Reports | March 7, 2012 | Filed under: Opinion

Co-op needs to clarify resolution

Editor:

In an attempt to keep Socorro Electric Cooperative's board of trustees' business transparent, there is a need for clarification concerning its proposed resolutions — specifically the one allowing the board to make financial and in-kind contributions to parties within the co-op's service area where appropriate. What constitutes being counted among parties and what and who defines appropriate?

Is this perhaps a veiled attempt to resurrection "The Red Book" long kept outside of SEC's formal accounting to benefit friends, relatives and local constituents of the board?

Bev Junger

Socorro

Letters to the Editor (02/22/2012)

by Staff | February 22, 2012 | Filed under: Opinion

Legal maneuvers out of control

Editor:

It seems that the legal maneuvering by a group of trustees of Socorro Electric Cooperative is spiraling out of control!

Whose idea is this? Are the attorneys initiating it? Is it to increase the amount of the bill they'll send us? Are a number of trustees doing it as "punishment" for co-op members who would dare to object to their freely spending our money on themselves? They've been doing it for so many years, I guess they think it's their right.

Has it ever occurred to them that they could lose this case? The first decision the judge made was not in their favor. Could they end up paying the bills they are incurring? Have they even thought about that? It just keeps getting uglier and more confusing.

Yet they could easily do the right thing and have an annual meeting without trying to outsmart or obstruct the will of the members. We hope for the best but should probably expect the worst!

Everybody needs to make every effort to come to the annual meeting in April!

Barbara Moore

Magdalena

Letters to the Editor (02/08/2012)

by Staff | February 8, 2012 | Filed under: Opinion

Members ought to 'Occupy' SEC

Editor:

Members of the Socorro Electric Cooperative: They (the co-op's board of trustees) don't want you to vote.

We voted changes in April 2010; the courts said we did right. The changes we made on paper have yet to be fully implemented because the ruling trustees of the co-op feel your votes don't matter. They'll do as they please and keep telling the press, and each other, that they are governing in "the members' best interest."

Don't you believe it. Not for an instant.

Here's the main thing. The ruling trustees (Paul Bustamante, Leroy Anaya, Milton Ulibarri, Dave Wade, Donald Wolberg, Leo Cordova, and Jack Bruton) don't want you to vote. They count on it. When we do get a chance to vote, they manipulate the elections to blunt our selected outcome. They use their own family members and friends to conduct the voting, counting, and decisions on quorum. They invalidate your vote every which way they must for their own personal ends.

There's not much that unites us as citizens. There is, however, the fact that we're all members of the Socorro Electric Co-op. It's time we stood together and made our wishes and demands counted. "Occupy" the SEC. Come in and vote. Vote — whether they like it or not. If for no other reason than the fact they don't want you to. Vote.

When our annual meeting comes in April, that's Saturday, April 14, let's "Occupy" the place. Perhaps we are already at the point where we should be picketing and Occupying the co-op offices, but when that voting meeting happens, let's be sure they know our votes count. Votes they can't overlook. Votes for which they're willing to take you to court.

The local law enforcement community won't help us. Whatever transgressions the co-op management and trustees have committed, thefts, embezzlements, labor violations, and other fraud, the district attorney's office and his enforcers won't take action. Now, you attend a meeting and lay down some plastic grapes on the table, they'll charge you, ban you, and defame you. Maybe worse. The ruling trustees have the upper hand there.

We, the members, have the votes. Even if they can't stand the idea.

Herbert Myers

Socorro

Letters to the Editor (02/01/2012)

by Staff | February 1, 2012 | Filed under: Opinion

You're paying for attorneys fees

Editor:

Thanks for the heads up coverage by your reporter regarding the \$30,000 bill Socorro Electric Cooperative recently received from the Kennedy & Han law firm (El Defensor Chieftain, Jan. 28, 2012).

When the SEC board of trustees authorized then SEC attorney Dennis Francish to sue all 10,000 members, no trustee asked how much it might cost. They just wanted to disobey the new bylaws. Their habit is to disregard bylaws anyway. But here is something I want every member who pays an electric bill to be aware of — the co-op pays for insurance that protects the co-op. When the co-op is sued the insurance company will pay lawyers to defend the co-op and any trustees who are sued and will also pay damages if the co-op loses. When the co-op sues someone, as in suing all the members, that cost increases the electric rates and/or reduces the capital you pay into the co-op. There's no insurance protecting you or your co-op's assets when the co-op initiates the suit.

Even though Judge Mitchell ruled against the co-op, Mr. Francish and the Kennedy firm get paid by you, even though you won the decision. With a fee rate of \$425 per hour, Mr. Kennedy is looking forward to several years of fees as he drags the case on. Those fees will come from the members who pay their electric bills. You can bet his firm is grateful to your disobedient trustees. It seems to me the board's act of suing all the members is prima facie evidence of their intention to oppose the best interest of the cooperative corporation. The board thought the judge would allow them to withhold the truth from the member-owners. They were wrong again and owe the members an apology for wasting your co-op's money.

The struggle to reform this board started in June of 2007 over equal voting rights and representation. You, the member-owners, won big time changing bylaws in April 2010. Your action limiting trustee costs is saving the co-op \$380,000 per year. But the board is still working against your interest and against the interest of the cooperative. We can hope the remaining litigation will eventually give you justice. Please continue to pay attention because the board has stubbornly disobeyed the bylaws you approved for more than a year since you put them in effect. The changes they have proposed for this year's annual meeting prove their bad faith for not willingly carrying out your orders.

Keep reading El Defensor Chieftain and tell your friends so everyone will know what is happening.

Charlie Wagner

District 5 Trustee

Socorro Electric Cooperative, Inc.

City of Socorro
Resolution No. 14-07-21

WHEREAS, On June 16, 2014, the Socorro City Council unanimously approved Resolution No. 14-06-16 giving the City Administration the authority to:

1. Receive complaints concerning Socorro Electric Cooperative (SEC) and to thoroughly investigate the feasibility of acquiring that portion of SEC serving the City of Socorro.
2. Designate a City location which shall receive any constituent complaints regarding SEC.
3. Investigate the feasibility of acquiring that portion of SEC serving the City of Socorro including in particular:
 - a. The prerequisites to any municipal acquisition of a utility system and the necessity for an election on the issue;
 - b. Available funding sources for such acquisition;
 - c. The service territory to be served and the assets that would have to be acquired to accomplish that service;
 - d. The City's authority to acquire such assets via eminent domain; and
 - e. The value of the SEC assets to be acquired.
4. Evaluate/explore the possibility of having another franchise become the provider of services for the entire SEC service area, and;

WHEREAS, The City of Socorro and the SEC (since inception) have been able to conduct business by means of the franchise agreement process, however, this process has not been able to adequately address or influence the handling of numerous issues which recently have been brought before the City Administration and City Council , and;

WHEREAS, The lack of democratic control, inability of the management of the SEC to draw a quorum of its member/owners, lack of desire by SEC management to assist and pursue a quorum, desire by SEC management and their legal counsel to take every opportunity to keep member/owners from realizing a quorum and to unduly delay member/owner potential policy changes brought forth by the membership has created unrest and lack of trust in the cooperative system, and;

WHEREAS, High employee turnover, high electric rates and high monthly legal fees are a direct result of the inefficiencies associated with Socorro Electric Cooperative business practices and the unwillingness of SEC management to operate the local cooperative in conjunction with the seven principles of cooperatives*, and;

WHEREAS, Since the City of Socorro first became involved in the SEC issues herein described, no progress pertaining to customer service, democratic control and community involvement has been made, and;

WHEREAS, Since the topic of acquisition of SEC assets by the City of Socorro has been discussed, very little, if any, opposition to the acquisition of SEC assets by the City has been expressed by the member/owners of those assets, and;

WHEREAS, Since the acquisition of SEC assets by the City of Socorro has become a topic of discussion, SEC management and Board have yet to include the owners of the SEC into the process in contradiction to the cooperative principle (No. 4 as attached) which states:

“Cooperatives are autonomous, self-help organizations controlled by their members. If they enter into agreements with other organizations, including governments, or raise capital from external sources, they do so on terms that ensure democratic control by their members and maintain their cooperative autonomy.”, and;

WHEREAS, On July 17, 2014, Ann L. Dorough published a “Letter to the Editor” in the El Defensor Chieftain which:

1. Definitively and clearly makes no reference of, or attempt to, include the member/owners of the SEC in the acquisition process.
2. Clearly states that the SEC Board President once again is attempting to side-step the democratic process in an effort to utilize member/owner funds to defend the position of a few regarding SEC operations without seeking input or direction from those who are the legal and rightful owners of all SEC assets, and;

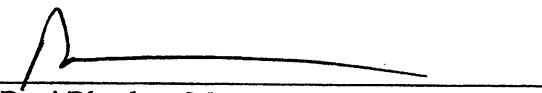
WHEREAS, Should an acquisition come to fruition, the property acquired by the City of Socorro would be that of the member/owners and not the SEC Board or management and would be operated by a qualified entity to ensure a level of service and competitive pricing experienced by many other similar communities throughout New Mexico.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Socorro, that without input discouraging the City from acquiring the SEC (within the City limits) obtained at a legally organized, officially conducted and binding cooperative meeting (held in accordance with cooperative guidelines and SEC bylaws) by the member/owners of the SEC, the City will aggressively pursue the items contained in the June 16, 2014 resolution (pertaining to the initial phases of acquisition) and will systematically and legally move through the acquisition process.

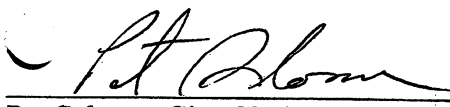
Be it understood that should the democratic member control process be recognized and honored by the SEC Board in allowing member/owners an opportunity to vote on the question regarding municipal acquisition, the costs to both member/owners and municipal taxpayers would be kept to a minimum and the will and the integrity of the owners maintained and carried out.

Be it further understood that by passage of this resolution, the Socorro City Council encourages the SEC Board to give the member/owners an opportunity to vote on the question regarding municipal acquisition.

Passed, Approved and Adopted this 21st day of July 2014.


Ravi Bhasker, Mayor

ATTEST:


Pat Salome, City Clerk

Co-op board censures Wagner

by John Larson | July 31, 2014 | Filed under: News

On a two to one margin, the Board of Trustees voted to censure District II trustee Charlie Wagner for breach of confidentiality, disloyalty, willful misconduct and working against the best interests of the membership.

Although censuring does not carry any legal weight, it is a strong judgment of disapproval by the body.

Prior to the action, a motion to postpone the action was made by District III trustee Melissa Amaro on the grounds that Wagner was not present and was currently in the hospital in Albuquerque. That motion failed for lack of a second.

Board president Anne Dorough read the letter of censure — addressed to Wagner — dated July 23, 2014, before the board.

"As you know, in the course of our duties as Trustees we are required to discuss and debate difficult and sensitive issues involving adverse, and potentially, adverse parties. We now have to discuss and debate issues relating to SEC's franchise agreement with the City of Socorro and SEC's ongoing relationship with the City.

Yet again you have breached SEC Board Policy 119 Code of Conduct item 3 'The complete confidentiality of business operation.' Your June 14, 2014, action of forwarding a confidential e-mail that I sent to Trustees regarding the City constitutes willful misconduct and recklessness and demonstrates you are adverse to SEC and do not intend to keep such matters confidential.

Your repeated use of the public forum at the city of Socorro Council meetings to criticize the SEC board, the general manager and council is an act of disloyalty to the SEC and violates Board Policy 119 Code of Conduct item 1 duty of loyalty and item 3 individual support for all Board decisions.

As a result, you will not be permitted to attend any executive session of the board to discuss the City franchise agreement or its relationship with the SEC, effective immediately. At the July 23, 2014, board meeting there will be a motion to publicly censure you for willful misconduct.

Additionally, you will be sanctioned as follows: you will not be authorized to attend the upcoming NRECA Region X Conference on behalf of the SEC. SEC will notify NRECA that you are not to be provided with any credentials on behalf of SEC. These sanctions, when approved by the Board, will prevail until such time as the Board determines you have demonstrated compliance with your fiduciary obligations to the SEC and duties of conduct in accordance with Board Policies.

This letter will be published on the Cooperative's website and the results of the vote to censure you will also be publicly available."

Voting in favor of the censure was District I trustee Leo Cordova and District IV trustee Dave Wade. District III trustee Melissa Amaro voted no.

The e-mail in question was personally addressed to the four trustees, attorney Bruce Wiggins, General Manager Joseph Herrera and Eileen Latasa, executive assistant to the general manager. The email's content did not fall under the purview of the Open Meetings Act, according to Dorough.

"If a series of e-mails are exchanged among board members that result in policy making, or a decision or action by the board, it can conceivably be regarded as an attempt to circumvent the Open Meetings Act," Dorough stated. "In this case it was a single e-mail reminding the board members that I was the only authorized spokesperson. In view of the adverse relationship existing between the City and the SEC which could result in litigation, it was clearly a confidential communication and so marked."

It was made public by Mayor Ravi Bhasker when he read it aloud at the June 16 City Council meeting.

In the email, Dorough expressed disappointment with Bhasker's refusal to meet privately with Herrera and herself to discuss the benefits of renewing the franchise agreement "instead of an expensive takeover." The e-mail also charges Bhasker with making provocative remarks and sending signals to "uncooperative" board members while shunning "a written request for a productive meeting without an audience." In addition, Dorough confided that she felt the city's reaction to the controversy was a "charade" and a "circus," and reminded all board members that only she or Herrera can speak on behalf of the cooperative.

In other action, Herrera noted that there was a conflict with the date and location for Charlie Wagner's District II members' meeting approved at the June meeting – Oct. 11 at Macey Center. He said he learned Macey Center would not be available on that date. Dorough suggested that the Magdalena Fine Arts Center be considered as an alternative.

A motion was made and seconded to change the District II meeting venue to the Magdalena Fine Arts Center, with registration at 1 p.m. and the business meeting at 3 p.m. It was approved by the board in Wagner's absence.

The next monthly SEC board meeting is scheduled for 2 p.m. on Wednesday, Aug. 27 at 310 Abeyta Ave.

Mayor wants to see co-op quorum

by Eric Heinz | July 24, 2014 | Filed under: News

Socorro City Council echoed its position from a month ago in the ongoing effort to sever its franchise agreement with Socorro Electric Cooperative by unanimously approving an additional resolution Monday, citing alleged breaches of “principles” of the co-op’s functionality.

Nick Fleming and Michael Olguin, Jr. were the two absent members of the eight-person council.

The resolution, as Socorro Mayor Ravi Bhasker said, is a complaint against the SEC’s alleged inability to follow a set of principles. The particular set of principles attached to the resolution was extracted from the Rochdale Equitable Pioneers Society, the same cited on the SEC website.

“The city is the last stop in changing the behavior of this co-op ... in an attempt to rectify the problems that are going on with the co-op,” Bhasker said. “The city has no intention of running the electric co-op on its own. We will, as other cities have, ask a third party who is already mature and takes care of other towns around us with electric utilities.”

Bhasker said the proposal of municipal acquisition came after the city interpreted SEC’s procedures as unable to fulfill specific duties.

“If SEC members would just exercise principle No. 4 of the co-op: have a general meeting, look at the municipal acquisition package, look at what SEC is providing, they could vote it up or down just like any other company,” Bhasker said. “If their owners are the stockholders and they make a decision, the board (of trustees) members cannot stop them. They can lobby them, but they cannot stop them.”

Because the co-op is a member-based utility, it requires a quorum of at least 10 percent of the members to be present at a special meeting.


A special meeting can be called by the board of trustees or 10 percent or 1,000 of the members must sign a petition to call the meeting. The board chairperson would be the entity that presides over any meeting, unless an independent parliamentarian is hired.

“The board of trustees would have no choice but to hold that meeting,” SEC District II trustee Charles Wagner said during the council meeting. “According to our bylaws, the chairperson presides over all meetings. My guess would be that the first order of business if the members were to have such a meeting would be to replace the chairperson with an independent parliamentarian.”

Although Bhasker said it is not in the cards yet, court proceedings could be part of taking control of the SEC within the city, if in fact a meeting does not happen in the near future.

“We’re not even close to condemnation in an eminent domain lawsuit,” Bhasker said. “Our route is to go to the members and give them information from our point of view, if the board agrees, to get this meeting and try to facilitate that with the money we have to expend up front.

“If need be,” he added, “and I’m not a lawyer, we may have to take it to court and demand that they follow their rules, and a third-party mediator be assigned, I don’t know.”



The resolution is ceremonious in nature and holds no legally binding measures. In the resolution, the city council acknowledged such accusations as “lack of democratic control,” “inability of management,” “high employee turnover” and other issues.

The resolution makes a promise that the customers’ electric bills would be “competitive” with many other entities in New Mexico.

In past meetings, Bhasker said PNM of Albuquerque would be a cheaper alternative to the co-op. SEC is generated through Tri-State Electric of Colorado.



Legal, consulting firm to review co-op board

by John Larson | July 3, 2014 | Filed under: News

In an effort to reduce conflicts and problem areas between it and the members, the Socorro Electric Cooperative's Board of Trustees is trying something new.

In a unanimous vote at its June 25 meeting, the board decided to secure the services of Smith & Christensen, a legal and consulting service for electric and telephone cooperatives. The firm, based in Charlotte, North Carolina, will conduct an independent audit of the board.

"They are going to do an audit of the way the board conducts its meetings and its receptiveness to the members," board president Anne Dorough said. "It's like a self-appraisal of the board of directors of the co-op."

She said the move was proposed by co-op manager Joseph Herrera.

The auditor will meet separately with each of the trustees, as well as the manager, Dorough said.

"Results of the audit will give us a better understanding of how the members view the board," she added

The audit will solicit comments or complaints from members via a web-based form, as well.

Aaron Christensen said his firm concentrates on the rural electric cooperative industry and has worked with clients throughout the U.S.

"We're not plowing new ground here. We've worked with a number of co-ops on a proactive basis on a range of some of the peculiar matters that cooperatives sometimes encounter," Christensen said. "And that includes matters involving board governance."

He said the firm most recently completed a revealing audit of the Santee Electric Cooperative in South Carolina, that experienced issues similar to Socorro Electric.


"It would be fair to say that all sides found the report to be hard hitting but completely fair," Christensen said.

The audit for Socorro's co-op will be approached in the same way, he said

"Think of this as a governance review. In this kind of undertaking it's a little unique in that I'm not representing Socorro Electric as their attorney," Christensen said "I'm there to review governance, management and other practices with no other goal but to serve the best interest of the co-op, not to serve any board member, or any particular group. I'm there to look out for the best interest of the members."

Christensen said he will talk to all "stakeholders and all interested persons, and, frankly, any person who has any information to share with me. And then I'm going to see what's working and perhaps areas that are not working and try to propose solutions."

The time frame of the audit will be scheduled after conferring with Herrera, he said.



Despite being peppered with objections and comments from District II trustee Charlie Wagner, each of the Socorro Electric Cooperative trustees set the times, dates and places for each of their respective district meetings in October.

Wagner's objections had to do with two of the trustees setting their meetings on weekdays, claiming that in doing so it limited the number of members who could attend.

District I will meet Tuesday, Oct. 13 at the Socorro Senior Center. Registration 5 to 7 p.m. Meeting 7 p.m.

District II will meet Saturday, Oct. 8 at Macey Center in Socorro. Registration 1 to 3 p.m. Meeting 3 p.m.


District III will meet Saturday, Nov. 15 at Finley Gym. Registration 1 to 3 p.m. Meeting 3 p.m.

District IV will meet Friday, Oct. 17 at San Antonio Elementary. Registration 4 to 6 p.m. Meeting 6 p.m.

District V will meet Saturday, Oct. 4 at Datil Elementary. Registration 1 to 3 p.m. Meeting 3 p.m.

The board passed a motion to participate in the Government in Action Youth Tour essay contest for a third year. The contest will solicit essays from sophomores and juniors at Socorro, Belen, Quemado, Magdalena and Alamo high schools.


One student from each school will be chosen to attend the Government in Action Youth Tour in Washington, D.C. The five winners on the tour learn about electric cooperatives, American history, and U.S. Government on this all expense paid trip, June 12-19, 2015.



The topic of the essay will relate to electric power and rural cooperatives.

The board approved a motion requesting invoices of legal fees charged by the co-op's attorney, Bruce Wiggins.

The next Board of Trustees meeting is scheduled for 2 p.m. Wednesday, July 23 at 310 Abeyta Ave.





Co-op seeks funds to fight city

by John Larson | May 29, 2014 | Filed under: News

The Socorro Electric Cooperative Board of Trustees is asking for at least a quarter of a million dollars from the Cooperative Finance Corporation's Cooperative System Integrity Fund to resist a takeover by the City of Socorro.


The Cooperative System Integrity Fund provides financial assistance to rural electric organizations that face threats to the integrity of their service territories, according to SEC General Manager Joseph Herrera.

"This resource is available to us in order to resist a takeover attempt by a competing entity," he said. "No member funds will be used."

With District II trustee Charlie Wagner absent, the board voted unanimously to apply for the funds.

"In light of the Mayor's latest announcement, the Board thought it would be prudent to pursue this option," board president and District V trustee Anne Dorough said.

According to its website, "The CFC Cooperative System Integrity Fund serves as a resource to the rural electric program to support the efforts of cooperatives to resist threats to the integrity of their service territory, to protect the right of rural electric systems to provide non-electric energy services, and to assist cooperatives that are facing regulatory, judicial and legislative challenges that have the potential to affect other cooperatives in a state, region or the nation."



In other business, the board has voted to payout Capital Credits from the years 1984 through 1988 in the total amount of over one half million dollars.

According to co-op's bylaws, capital credits are to be retired 25 years after a customer's account is closed. In 2014, the 25 year deadline would be 1989, meaning that retirement of the years previous to that were overdue.


Dorough said last year the co-op retired capital credits for the years 1978 through 1983 for a total of over \$1 million.

"At the board meeting on May 21, we approved another Capital Credit retirement for the years of 1984, 1985, 1986, 1987 and 1988 for a total of approximately \$1.5 million," Dorough said.

Fifty percent of the retirement will come from the General Fund and 50 percent from a loan, she said.

"It says a lot about Joseph Herrera's management that SEC is in a position to make these retirements without adversely affecting the financial welfare of the cooperative," she said. "This will enable us to reach our goal of a 25 year rotation on capital credits."

The next co-op board meeting will be June 25 at 2 p.m. in the boardroom at 310 Abeyta Ave.





City serious about SEC acquisition


by Jon Rejent, El Defensor Chieftain reporter | May 22, 2014 | Filed under: News

At Monday's city council meeting, the mayor described a fork in the road that presents Socorro with two options in its future affairs with the electric co-op - continue down the current path or pursue acquisition of assets.

Mayor Ravi Bhasker said, administratively, he plans to steer toward the latter path. Council will explore appraisal of Socorro Electric Co-op assets at its June 16 meeting.

"The city is serious," Bhasker said.

Attorney Nann Winter, who is going to help draft the resolution, joined in on the conversation and discussed what the future may look like for the city from a legal standpoint.



She explained that a month-to-month franchise, such as the one Socorro is currently involved in with the co-op, can be changed at the city's initiative if the relationship degrades to the point where further action is needed.


"If you find them unresponsive, you can declare them a trespasser," Winter said.

New Mexico's eminent domain code - "a tool used by municipalities all over the state" - gives all political subdivisions the right to acquire real estate, buildings and property, she added.

"In this case, there could be real estate interest held by Socorro Electric; that would be easements. It is more likely that (the city) would be more interested in their poles, their lines, meters, substations (and) transformers," Winter said.

She added that any current debt would remain with SEC.

Before condemnation, the code requires that two conditions be met: appraisal of assets and entrance into a good faith negotiation with the co-op.





For an appraisal of this scale, Winter said it would take some time.


“I would give it three to six months to get a fair evaluation of a system of this nature.

Once the appraisal is in, present your offer to the entity that you seek to acquire assets from and the negotiations begin,” she said. “Typically, folks are responsive to a good-faith offer.”

Bhasker added that the process, aside from appraisals and negotiations, will need to include the “political wheel of the council.”


If SEC is willing to negotiate its assets, finalizing the sale could one to two years; however, if they contest and the city is forced to “pull the eminent domain trigger,” it could take as many as three years of litigation, according to Winter.

“It’s not something that’s cheap or easy or fun for anyone,” she said.



The mayor said city hall will soon be opening a previously-discussed comment window for people to report both good and bad experiences related to SEC, as well as concerns about the new direction the city may be taking with the electric utility.

He emphasized that the city does not want to turn the co-op into an adversary.






City embarks on route to acquire co-op

by Jon Rejent, El Defensor Chieftain contributing reporter | May 8, 2014 | Filed under: News

With low turnout at the recent Socorro Electric Cooperative annual meeting coupled with member complaints snowballing throughout the past few years, the city plans to take action.

During Monday's city council meeting, Mayor Ravi Bhasker said the city has "embarked on the route to acquire the co-op."

The mayor shed light on a recent study, which detailed energy costs – plus fees and taxes – in different cities around the state for houses "using the same amount of electricity." While places such as Farmington (which had the lowest total cost) and Belen saw monthly costs at \$56 and \$66, respectively, the cost in Socorro landed just above the \$100 mark.




Bhasker added that "PNM sells them this electricity; and on top of that, they're a for-profit organization making 10 percent on this."


The mayor said the city's lawyer will be present at the May 19 council meeting to outline the city's plan to deal with concerns surrounding SEC. Bhasker said he also hopes to have a representative from PNM attend; he said the city is not, as of now, considering PNM as a franchisee, but would still like their input.

A resolution will be presented to the council during their next meeting "to get the ball rolling," Bhasker said.

If the council is on board, the mayor said pursuing a utility alternative will likely take a couple of years, and details, including which areas the city plans to cover, are still being discussed.

During the council meeting, a Socorro resident voiced an SEC-related issue that he is currently dealing with.





Robert Rincones said that about 2 a.m. April 26, he and his family were jarred awake — by smoke detectors — to discover an electrical fire in their home, caused by “a natural coming loose on the co-op’s line.”


After putting out the fire, he and his family soon noticed half of their home was without electricity.

“First thing in the morning, we called the co-op,” he said.

Approximately four phone calls and three hours later, they showed up.

“Everything that was plugged in was fried essentially. The linemen said ‘it’s our responsibility; we did something bad here and it came loose. Turn your bills into the co-op (and) they’ll write you a check,’” Rincones said.

Ten days later — after turning in itemized lists of the damages — Rincones said he is still waiting for a phone call from the SEC.




He said while he is grateful he was able to buy a \$600 temporary fridge until the co-op gets back to him, he wonders “what happens to those folks who don’t have an extra \$600 or the means to get a refrigerator down here?”


Councilor Gordy Hicks said the city needs to begin documenting and compiling these issues. The mayor said, soon, the city will begin collecting SEC-related concerns from the public at the cashier’s desk at city hall.

The council also adopted a resolution that will implement a GPS monitoring pilot program for use in city vehicles.

City Clerk Pat Salome said keeping tabs on the vehicles will be used for city business, enforcing policy and traffic laws, “not to follow people around (nor) check on someone’s whereabouts all day long.”

If there is a question about where someone is, a department head must first fill out a form and state the reason a specific vehicle should be tracked on a specific day; Salome said there will be documented evidence that it’s done “upon request.”






“That way, if something does come up, the employee doesn’t say, ‘well you watched me for four years, of course you’re going to find something.’ We would be able to say ‘we watched you three times, this is when we watched and this is what we found,’” he said.

The mayor said the purpose of the program is to evaluate GPS vehicles’ efficiency, productivity, safety and accountability of city operations. On top of this, he said the city will develop a policy explaining the usage of GPS units to existing employees as well as individuals hired in the future.

“GPS information can and will be used by department heads,” Bhasker said.

Salome emphasized that the information will be used “as needed as opposed to a 24-hour surveillance on city vehicles.”

“We are not fishing; there’s a reason for doing it,” Bhasker said.



Aside from requests from department heads, Salome said the “as needed” approach will include routine alerts — such as a complaints from individuals claiming their garbage was not picked up — and concerns regarding safety.

If someone calls, claiming they were almost hit by a city vehicle that ran a stop sign, Salome said that is something the city will look at “immediately.”

When a request is made and the city then creates a record of the individual GPS vehicle, that specific monitoring session will become public information.





SEC meeting lacks necessary turnout

by John Larson | May 1, 2014 | Filed under: News

Socorro Electric Cooperative's 69th annual membership meeting failed to reach the required three percent for a quorum for the second consecutive year.

Officially, 146 members had registered by the start of the meeting, 139 short of the 285 needed for a quorum.


With no quorum there could be no business discussed, and Board of Trustees President Anne Dorough called for adjournment just around 30 minutes after the meeting began.

This precluded a discussion on one of two bylaw amendments proposed by members of District 2.

That amendment, if approved, would have allowed a trustee candidate to obtain the names and addresses of each member in that district for campaign purposes. The candidate would also have to sign an affidavit that the list would not be used for any other purpose.

If there had been a quorum on Saturday, the proposed amendment could have been discussed and, if approved, would have been on the ballot for a vote at the annual meeting in 2015.

The other amendment proposed that voting by mail should constitute a quorum at all meetings, but this amendment was found to be in conflict with New Mexico state law, which states that a quorum at a cooperative's annual meeting requires in-person registration, and it was disqualified for consideration.



An unresolved issue that concerns balloting is the interpretation of Section 12 of the cooperative's bylaws.


The bylaw states: "Any proposition submitted at a District Meeting and adopted by resolution by a majority of the members voting, together with any document submitted with the resolution, must be reported to and submitted for consideration at the next succeeding annual meeting, or special meeting members, if the resolution so provides."

The phrase "next succeeding annual meeting" has been interpreted to mean two different things.

One interpretation is that it refers to the annual meeting following the next annual meeting. A majority of the five member Board of Trustees — Leo Cordova, Dave Wade and Dorough — agrees with this interpretation. An interpretation favored by Trustees Melissa Amaro and Charlie Wagner is that it refers to the upcoming annual meeting.

Prior to the meeting, tables had been set up on the sidewalk in front of the gym to solicit signatures for petitions to remove District 5 Trustee Anne Dorough and District 4 Trustee Dave Wade. Representatives from the two districts explained that they felt Wade and Dorough were not responsive to their members' concerns.

According to SEC bylaws, 10 percent of the district membership is needed to bring the recall to a general vote at a district's next meeting.



The lack of a quorum two years in a row raises the question, "Why?"

Dorough, in a April 18 interview, told El Defensor Chieftain she was in favor of returning to the custom of offering members entertainment and refreshments during the two-hour registration period.

She said other co-ops attract bigger crowds with refreshments and live music, especially when members give up their Saturday afternoon or have to drive over an hour to attend.

"Most co-ops have a band. They'll have refreshments, or they'll some kind of entertainment. Something like that," Dorough said. "We went through a period of time the membership said we didn't want to spend the money on something like that. And I think it's a mistake."

She said the Jemez co-op "has a barbecue where they serve hot dogs. I'd like to see (us) go back to having something like that."

The annual meeting was also brought up during the April 21 Socorro City Council meeting, when a member of the public felt that the co-op may be occasionally counting duplicates when tallying up the total number of members, which would effectively increase the number of SEC members needed for a quorum.

"The co-op constantly says we don't have a quorum. I got the list of members for District 4 —my district — I went through it line by line," said Marie Watkins.

She said she out of 2,068 names, she counted 292 duplicates, which "completely changes the amount of voters needed."

As a hypothetical example, if SEC had overshoot its total member count by 4,500 people —bringing the current count of 9,500 down to the 5,000 range — Saturday's annual meeting still would not have had a quorum, which brings light to another issue: how invested are the members in co-op affairs?

"I'm thinking of the old saying, 'actions speak louder than words,'" said Joseph Herrera, General Manager and CEO, who spoke at the meeting on the co-op's status and activities. "I was disappointed, but I know everybody's got their own reasons for not going."

The next monthly SEC Board of Trustees meeting will be Wednesday, May 21, at 2 p.m. at 310 Abeyta St.

Members can voice input at annual SEC meeting

by John Larson | April 24, 2014 | Filed under: News

Every spring, the Socorro Electric Cooperative holds its annual meeting to conduct business that will affect every member for the coming year — this year's is set for Saturday, April 26 at Finley Gym.

The registration will be from 1 to 3 p.m., and the business meeting will follow, from 3 to 5 p.m.

If your name is on your electric bill, you are a member of the co-op.

Anne Dorough, president of the SEC's board of directors, encourages everyone to attend.

"This is (the members) opportunity to express themselves and participate in what goes on in their co-op and be a part of it," Dorough said. "Three percent of the membership constitutes a quorum."

According to the co-op's Human Resources manager, Eileen Latasa, the co-op has approximately 10,000 members, placing at roughly 300.

"We won't have an exact figure until Friday," Latasa said. "People move to town and people leave during the year, so we don't do a count until the day before."

Dorough said she couldn't emphasize enough the importance of attending to achieve a quorum.

"A quorum is absolutely necessary. The more people that go to the meeting, the better off they are," she said.

The necessity for a quorum was made clear last year after the annual meeting was stalled for lack of a one; a second annual meeting was then scheduled, but it too did not have a quorum.

A matter of contention at the monthly Board of Trustees meetings was the argument from District 2 Trustee Charlie Wagner that since a vote was not allowed on bylaw changes because of the lack of a quorum, the changes should, as a matter of course, be placed on the ballot at this year's meeting.

According to Dorough, those proposals cannot be voted on this year.


"Those were passed at the District 5 meeting in October 2012, and the bylaws say the proposed amendments passed by the district meetings are considered at the annual meeting," Dorough said.

The debate, she said, is as to whether "considered" means "voted on" or "discussed."

"The more conservative view is that they should be discussed, because otherwise, one district is making a decision and the others don't have any say about it. But if you discuss it at the annual meeting, then everybody has input on the change," she said. "On a bylaw amendment, whatever you decide is going to be the final amendment has to be pre-notified to the entire membership before it can be voted on."

This, Dorough said, means that after going through the discussion process at the annual meeting, members can vote to have it put on the ballot for the next annual meeting.

"This gives you the opportunity to pre-notify all the membership the details of the amendment," she said.



And the membership has the opportunity to "massage," or "perfect" the amendment, Dorough said. And, if there is a quorum, the members can approve it.

She said it then goes on the ballot for the following year or the members can call a special meeting if they want to speed up the process. And an additional quorum count may be taken at any time during the meeting.

"If at any time the chairman looks out across the room and doesn't think he's got a quorum, it's the chairman's duty to call for a quorum count. That's a part of Robert's Rules of Order," Dorough said.

Members, she said, can also make a point of order for a quorum count.

The rules for the order of business are laid out in the bylaws.

"An order of business tells you how the order of items have to be listed," she said. "The order of business is specified in the bylaws and you can't suspend that."

Dorough said often, people say "I don't want to sit through the meeting, I just want to register my vote."

And she said, depending on who you ask, if there's not a quorum at the start of the business meeting, their vote doesn't count.

"This is something we're trying to fix," she said "It's not right. But we need to change the bylaws to clearly explain that ... the balloting is separate from the business meeting."



Co-op meeting conducts regular business Monday

by John Larson | March 27, 2014 | Filed under: News

Discussion at the Socorro Electric Cooperative's Board of Trustees meeting on Monday was mainly limited to regular agenda business.

Trustees present were Dave Wade, Leo Cordova, Charlie Wagner and President Anne Dorough. District 3 Trustee Melissa Amaro was absent.

Issues discussed were the current retirements of customers' capital credits, and the acceptance of bids for the sale of three older co-op trucks and two truck beds. The board also accepted bids for the sale of leftover scrap metal.

District 1 Trustee Leo Cordova was appointed the SEC's voting delegate at the New Mexico Rural Electric Cooperative 2014 annual meeting in Santa Fe. General Manager Joseph Herrera was named alternate to that meeting.

Board President and District 5 Trustee Anne Dorough reported that the meeting of the Special By Law Committee scheduled for March 24 had been cancelled and will be rescheduled at a later date. District 2

Trustee Charlie Wagner requested that by-law changes that were not voted on at the 2013 Annual Membership meeting be put on the agenda for this year's meeting. Dorough said since there was not a quorum at either of last year's membership meetings, those proposed changes were null and void, and that new ones would have to be submitted.

The next monthly Board of Trustees meeting will be Wednesday, April 23, at 2 p.m. The boardroom address is 310 Abeyta Street.

The co-ops annual membership meeting will be at 3 p.m. April 26

Board turns meeting over to RUS official

by John Larson | March 20, 2014 | Filed under: News

During its most recent meeting Feb. 26, the Socorro Electric Cooperative's Board of Trustees — with a full house in attendance — touched on concerns of the co-op's operations, issues the mayor has with the SEC and capital credits.

In attendance was Jim McGraw, representing the U.S.D.A.'s Rural Utilities Service, the government entity which provides loans to the cooperative.

McGraw fielded general questions concerning the co-op from the audience.

Also in attendance was Mayor Ravi Bhasker, who discussed several issues with McGraw concerning problems Socorro is having with the co-op; issues that have delayed the city's renewal of the franchise agreement with the co-op to provide electric service to the municipality.

"I find it very difficult to continue doing business (with the co-op) because of abnormalities," Bhasker said.

He said it would be better if the city ran it; Bhasker cited Truth or Consequences, Gallup and the Jicarilla Apache Nation as municipalities that separated from cooperatives to create their own electric utilities.

"There would be more transparency," Bhasker said. "We're open door. You can look at our records. The city runs under a different set of rules (than SEC)."

McGraw said, in order for the co-op to run as the members want, "the secret is communication." But, he said, that does not mean people who do not pay their bills will not be cut off.

Bhasker said he has three major concerns: setting the meeting times when it's easier for members to attend; being able to make contact with the co-op manager; and the cost of electricity.

"You're not being cooperative," he said.

Bhasker told McGraw that another one of his concerns was what he perceived as a high turnover of employees — an approximate 28 out of 35 employees within the last year and half.

"What would you expect the turnover to be?" McGraw said.

"I think 20 percent or 25 percent. If you don't think 28 out of 35 is significant, then there's something going on here," Bhasker said.

"I would say the co-op, any business, sometimes has no control over people leaving," McGraw said.

"People have different reasons; I can't say what the normal is. If the city ran the co-op would the turnover rate be lower?"

Bhasker responded, stating the rate would be lower and the city "would not have an atmosphere where the employees are being watched and regulated by GPS and cameras." His preference, he said, would be to "disengage from Tri-State and go on the market to buy electricity."

McGraw said he did not, of course, want "the co-op to lose the load," stating rates would raise higher for those outside the city.

"If they bought the whole co-op, that would be a question of where the city would buy wholesale electricity and what the retail markup would be," he said. "They would still have to pay the co-op for use of the system. They're not going to come in here and build new wires and substations. They would have to use (the existing infrastructure); that would be part of their cost to amortize whatever they paid for the system."

McGraw said he believes the SEC must vote to sell the co-op.

At the same meeting, the board rejected a motion to retire more than \$26,000 in capital credits to Trails End Market, Inc., and Collette Foard, on a 3-2 vote.

As reported in El Defensor Chieftain in December 2013, Foard said co-op personnel had repeatedly refused to cash out the credits so she could legally dissolve the corporation, pay off its debt and divide the funds up among between her company's shareholders.

Herrera said SEC bylaws give the cooperative's Board of Trustees discretion when it comes to cashing out capital credits "upon the death or cessation of legal existence of any patron if the legal representative of his/her estate request that the capital credit to any such patron be retired."

"It was the view of the board that it would not be prudent to exercise Trails End Market's capital credits because corporate entities do not die and retirement to a now-defunct corporation upon dissolution in an early retirement would be discriminatory," Herrera said.

However, Herrera said the co-op's bylaws allow Trails End to assign the capital credits to "successors in interest, which (the board) believes includes the shareholders of a defunct or dissolved corporation."

The move would allow those shareholders to eventually retire the credits through the general retirement process.

Bhasker commented that he understood that capital credits were denied not by the board, but by Herrera, and said that is "not the way it should be done. I'm presupposing, but it seems like they're trying to clean up their act now and bring it up before the board now to get this thing out of the way."

Trustee Charlie Wagner said the board wastes a great deal of time going back and forth over these kinds of things.

"We could spend more than \$26,000 on helping lawyers go back and forth over this issue," Wagner said.

Wagner made the motion that the board make the payment of \$26,000 in capital credits either in full or in installments, which the board denied.

Board President Ann Dorrough posed the question — "Would we be opening a precedent we do not want to open?"

The co-op's attorney, Loma Wiggins, said the repayment of capital credits out of order – whenever members demanded their capital credits be retired – would put the co-op's financing at risk.

"The board has the discretion to decide at any point that capital credits be retired," she said.

McGraw asked if Trails End's request "would be an estate retirement as a corporation or general retirement?"

Foard said the corporation must close out all accounts before dissolving.

"The Secretary of State says we cannot file for proper dissolution without claiming all our assets to pay off the debt," she said.

The corporation, Foard said, must go ahead and request retirement of the capital credits so that the money comes into the corporation and all the debt is repaid before filing for dissolution.

"It's not an estate because the corporation is an artificial person created by governmental action and it should be treated as such," she said.

In other action, the board:

Voted to schedule the 2014 annual membership meeting at 3 p.m. Saturday, April 26, at Finley Gym. Members will have from 1 to 3 p.m. to register for the business meeting.

Approved the Rural Utilities Services Form 675, Certificate of Authority resolution.

Approved the First State Bank Safety Deposit Boxes Access Resolution.

Named SEC General Manager Joe Herrera the voting delegate to the Tri-State 2014 Annual meeting.

Approved 2012 energy uncollectible write-offs.

Capital Credits Fact Sheet

According to the bylaws, the co-op does not technically earn profits, and any revenues "over and above" the cost of doing business are considered "margins." These margins represent an interest-free loan of operating capital by the membership to the cooperative. This capital allows SEC to finance operations and – to a certain extent – construction, with the intent that this capital will be repaid to members in later years.


Allocated capital credits appear as an entry on the permanent financial records of the co-op and reflect a member's equity or ownership in SEC. When capital credits are retired, a check is issued and the member's equity in the co-op is reduced.

Capital credits are calculated by SEC for everyone who purchased electricity during a year in which the co-op earned margins.

The amount of capital credits a member earns in a given year is based upon the amount of capital contributed to the co-op through payment of monthly bills. The more electric service used, the greater capital credits are earned. The sum of one's monthly bills for a year is multiplied by a percentage to determine a member's capital credits.

The percentage of a member's total payment that is allocated as capital credits varies from year to year, depending upon the success of the cooperative. Capital credits are only allocated for a year in which SEC earns margins. Since capital credits are a member's share of the margins, no credits are allocated for a year with no margins.

A member's capital credits remain on the books in their name and member number until they are retired. Payments are made approximately 18 to 20 years after credits are earned.



Allocated capital credits may not be used to pay current bills. An electric bill is due now, whereas a member may not be entitled to be paid capital credits for many years.

The board of trustees must authorize a retirement before a member receives a check. When considering a retirement, the board analyzes the financial health of the co-op and will not authorize a retirement if SEC cannot afford it.

A member should receive an allocation notice annually after the finances for the previous year have been audited.



Co-op meeting adjourns amid shouting

by John Larson | February 6, 2014 | Filed under: News

The Socorro Electric Cooperative Board of Trustees chose to change its regular meeting schedule to every fourth Wednesday of the month at 1 p.m.

The issue arose due to trustees — including Board President Anne Dorough, who lives in Quemado — not wanting to drive home late in the evenings.

Trustee Charlie Wagner asked that Saturdays at 10 a.m. be considered as well, since Trustee Melissa Amarro would have to take time off her job to attend the afternoon Wednesday meeting time.

After discussing the pros and cons, the board, by a 3-2 vote, rejected Wagner's proposal.

The board also chose General Manager Joe Herrera over Wagner by a 3-2 vote, as the co-op's Tri-State representative.

A discussion on scheduling this year's Annual Meeting was interrupted by a verbal outburst from an owner/member in the audience.

At issue was the question of whether or not there was a quorum at last year's two meetings. Dorough said that amendments passed last year were not valid because of the lack of a quorum at either meeting.

Before any vote was taken on scheduling the 2014 Annual Meeting, Dorough banged the gavel said, "This meeting is adjourned."

The next scheduled meeting will be the fourth Wednesday in February at one o'clock."

The next regular meeting will be Wednesday, Feb. 26 at 1 p.m.



City eyes SEC alternative

by Jon Rejent | March 6, 2014 | Filed under: News

Due to “poor customer relations and lack of representation,” as well as the seemingly-endless stalemate the city has fallen into with Socorro Electric Cooperative, Mayor Ravi Bhasker began a discussion about “alternative options” at the March 3 City Council meeting.

He recommended that, rather than spending money on the franchise agreement, Socorro instead look into acquisition of the SEC’s assets within the city, as well as possibly within the valley.

“And perhaps even improve those assets,” he said.

These improvements could potentially include an underground utility, which Bhasker said would beautify the city, cost less in maintenance and allow for a fiber optics system — pushing the city “into the 23rd century.”




“We’d like to wire this city to keep up with the rest of the world.”

Bhasker suggested that, aside from speaking with an experienced lawyer about the possibility of the acquisition, there ought to be a meeting of the minds with the council and trustees.

Councilor Gordy Hicks said the co-op’s members want visibility.

“They want answers, (but) they’re being shoved down a hole,” he said.

SEC Trustee Charles Wagner stepped forward with additional suggestions, which included inviting another provider, such as PNM, or possibly working together with another New Mexico cooperative.



“Members have been trying to reform the SEC since 2007. The lawyers have worked against them because they go with the majority of the trustees,” Wagner said. “When we had 11 trustees, six were from Socorro; they were the majority on the board and they worked together to maintain themselves in office.”

He said the relationship between the city and SEC has suffered from an absence of care on the part of elected officials and members who have not come to the meetings, but said he was glad that Bhasker brought his staff to the co-op's last meeting.

"SEC should be the kind of co-op you want. It only takes having trustees that will do the kinds of things that you want them to do. That's the problem," Wagner said.

The mayor said the city would need to start from scratch; conducting a feasibility study and speaking with professional consultants and lawyers will all be necessary if the city wants to pursue this new alternative. He re-enforced that none of this will "happen over night."

Attorney blames Wagner for fees

by Elva Österreich | January 1, 2014 | Filed under: News

Attorney Darin Foster spoke early at the Dec. 19, Socorro Electric Cooperative meeting. Foster was previously with the law firm Kennedy Han in Albuquerque and part of the lawsuit naming the member/owners filed by the co-op.

Foster said he had been asked to give a presentation on the state of the litigation that's been on going since about January of 2011.

Trustee Charles Wagner asked for a written version of his report and Foster said there would be no written version of the report.

Foster said in 2011 the goal of the board was to see if by-law changes that had been made by the membership were in accordance with New Mexico Law. Former corporate council Dennis Francish was looking for a declaratory action from a judge and the way he chose to do that was to name the members of the co-op as defendants.

This was not a suit against the membership, Foster said. The members were named to get the declaratory action.

"At no time did the co-op seek to get money from the members," Foster said. "At no time did they say that the members had done anything that would have deliberately caused financial harm or would have required some sort of compensation back from the membership."

The attorneys tried to dismiss everyone who wasn't necessary to the suit, he said.

"We could get the judge to do it without having all those names there as defendants," he said.

A small handful of individuals decided they did not want to be dismissed out of the suit, Foster said.


"If those individuals had allowed us to streamline the process, dismiss everyone, the total cost in legal bills would have been less than \$5,000 dollars," he said. "That would have also been a resolution in the spring of 2011."

Foster said there were certain people who counter sued their own co-op and went on to say trustee Charles Wagner sued the co-op and thus violated his duty to the co-op. Foster said Wagner named himself as plaintiff and brought in counsel from Texas specializing in suing co-ops for large payoffs in the form of capital credits.

Foster said the judge said the membership had the right to make bad decisions.

"The judge didn't say these were good bylaw changes," Foster said. "He simply said if the membership chooses to make them they have that power."

Foster said if the case had been allowed to end there, legal fees would have been about \$15,000. He said Lorna Wiggins of the firm Wiggins, Williams and Wiggins spent the next two years trying to make sure those bylaws were kept to as closely as possible.



Foster said everything that's happened since then is because Wagner continued to pursue a class action to seek capital credits and collections of "other activities" that were going on in 2010 and 2011.

In fall of 2011, Foster said he filed a series of motions that there is no evidence of fraud and Wagner is a plaintiff on a board of an entity he sued.

"That is completely and utterly inappropriate for him to be a plaintiff," Foster said. "He can't be there."

Then he said, Wagner's lawyers tried to substitute two other people into the lawsuit.


The judge allowed the substitution, Foster said, and the co-op board held a special meeting and capital credits were discussed.

Foster said the primary motivation issue was capital credits. A lot of people think capital credits are a pile of gold sitting there waiting to be picked up but they are not.

In October of this year, Foster said, the judge granted Foster's motions from spring 2012; in there he said Wagner was not a proper or appropriate plaintiff in a punitive case against the cooperative. He said Wagner's case was dismissed.

The vast majority of the co-op's legal fees in the case were spent after the case should have been resolved.

"Everything paid in 2012 went entirely to Wagner's inappropriate, wholly without jurisdiction, improper standing, couldn't-follow-the-rules-of-civil-procedure, lawsuit," Foster said.



He said the amount Wagner's action cost the co-op since May 2011 was \$22,788.82, which could not be paid by insurance because a member of the board was suing other members of the board.


Foster also said he has not charged the co-op for his past several trips to Socorro, nor for the current one because "I believe that the co-op has paid through the nose for something that should have been solved two years ago."

Charlene West stood up in the audience to ask why Foster was giving his report at that particular time and was told she was out of order.

"You named me in that lawsuit," West said. "It was a lawsuit."

West was asked repeatedly to sit down by board president Luis Aguilar who finally threatened to call the police, the board then took a recess until the Socorro Police Department arrived and escorted West out of the meeting.

When the meeting came back to order, Foster closed by pointing out the presentation could not have taken place until all the litigation was over.






Capital credits subject of latest co-op franchise hearing

by Barron Jones | December 19, 2013 | Filed under: News

The Socorro City Council, on Dec. 16, listened to nearly two hours of public comments that will help them develop a franchise agreement with Socorro Electric Cooperative that would allow the utility legal access to alleys and streets.

In this latest round of discussions, private citizens and elected officials expressed their concerns about co-op business practices that they say deprive members of money.


The complaints stem from what the speakers said is SEC's refusal to let former members cash out capital credits when they leave the co-op. Capital credits are a form of revenue earned by members that are put back into the cooperative for operating costs.



Socorro resident Audrie Clifford told the council she closed her husband's, Michael Clifford, account after he died because she moved into an apartment that included utilities.

But when she went to cash out the \$400 in capital credit attached to her husband's account, she said co-op officials informed her that only her husband's heirs and not a surviving spouse could collect the money.

"The money is paid to the heirs of the original member and if that member should have no children one could only assume that the co-op keeps the money," Clifford said. "I and many of my friends have been in contact with members of other co-ops and without exception capital credits are paid shortly after the account is closed."



SEC General Manager Joseph Herrera said the co-op retires or cashes out credits in one of two ways: estate retirement or general retirement. An estate retirement allows the offspring of an co-op account holder to cash in the credits after an account holder dies.

The other way a person can cash out co-op capital credit is to wait for general credit retirement. He said the co-op just recently did a general retirement for the years 1978 to 1983.

Besides, he said, since the co-op's bylaws views husband and wife as joint members honoring such request would open the co-op up to an increased number of credit claims.

"So every time someone's husband passes away, they are going to say, 'I want to collect on that patronage (credit),'” Hererra said. “It gets back to the point, the principle — yes she can maybe use the \$400 but the precedent is the co-op board has been known, historically, not to make special retirements and that would be a special retirement.”

Clifford said she has tried multiple times to get someone from the co-op to address her concerns, but she was ignored.

“I have instructed all of my kids that when I die, the first thing you do before you even get me cremated is you go get that money from the co-op,” she said resolutely. “It's just so wrong the way they do it.”


Clifford wasn't the only one to get the city officials to take note of the co-ops business practices.

Magdalena resident and former co-op member Collette Foard has a similar complaint involving nearly 65 times the \$400 Clifford is trying to get from the co-op.

She said SEC owes Trails End Market Inc., the corporation she once owned and presided over nearly 20 years, more than \$26,000 in capital credits.

She said she had no idea that the market's co-op account had amassed such credit until a former business owner briefly explained how SEC works.

“I went down to the co-op and asked for a printout of my capital credits and as you can imagine, I nearly fainted,” Foard said, “when I learned it was over \$26,000. I was like holy moly!”




However, she said co-op personnel have repeatedly refused to cash out the credits so she can legally dissolve the corporation, pay of its debt and divide the funds up between her company's shareholders.

Herrera said SEC by-laws gives the cooperative's Board of Trustees discretion when it comes cashing out capital credits "upon the death or cessation of legal existence of any patron if the legal representative of his/her estate request that the capital credit to any such patron be retired."

"It was the view of the board that it would not be prudent to exercise Trail Ends Market capital credits because corporate entities do not die and retirement to a now defunct corporation upon dissolution in an early retirement would be discriminatory," Herrera said.

He said, to help resolve the matter, the co-op's bylaws allow Trails End to assign the capital credits to "successors in interest, which it believes includes the shareholders of a defunct or dissolved corporation."




This move would allow those shareholders to eventually retire the credits through the general retirement process.

Frustrated that no one at SEC was listening to her complaints Foard went on a mission to bring attention to this matter. She filed a complaint with New Mexico Attorney General Gary King's office.

In the latter part of October, the AG's office sent a letter to SEC addressed to Herrera urging the co-op to honor Foard's request, so among other things, she could settle the market's business affairs.

Herrera said SEC has responded to the attorney general's request asking someone in the AG's office to supply the legal source that led to the conclusion that the capital credits should be repaid.



Foard said SEC unwillingness to act on the attorney general's urging has prompted her to file a complaint that is still pending with the New Mexico State Secretary's Office.

Public Regulation Commission chairman and District 5 representative Ben Hall said New Mexico legislators took away the commission's jurisdictional authority to regulate the finances of the state's 16 rural electric co-ops several years ago.

But, he said, they are still responsible for regulating the service the utility provides to its members/customers.

"The PRC is here to do what we can but our hands are kind of tied. But we are willing to help anybody that needs help," he said. "I wish I could do more."

As of January 2011, the SEC capital credit account had more than \$19 million, but in 2013 the co-op paid out nearly \$1.5 million to cover retired capital credits.

He said although the money is owed to members he "doubts that it is there."

Hall said it is standard operating procedure for a co-op to take 20 or 30 years to refund capital credits.

All the money that the utility doesn't return to members, for any reason, is placed in a special account that is used to provide seven \$500 scholarships to area students each semester.

Mayor Ravi Bhasker said the council appreciates input from both the community and elected officials.

"We are just trying to formulate this franchise agreement, and we certainly appreciate this kind of illumination and transparency that we aren't getting from this co-op," Bhasker said.

The upcoming franchise agreement will replace the franchise agreement that expired in 2009.

Councilor Mike Olguin Jr. said he isn't certain but he believes the co-op agreement was allowed to expire to give the utility provider time to implement much needed reforms.


The utility recently implemented several bylaw reforms which included a reduction in compensation for trustees and reducing the number of trustees on the board from 11 to five.

Olguin said he supports the idea of drafting short-term franchise agreements as a way of monitoring the utility's business practices.

"From what I understand of the discussion that is being held at city hall you can do it (draft franchise agreements) for a year to hash out any discrepancies," he said.

City officials will have to eventually draft a franchise agreement that will allow Comcast and CenturyLink to access public streets and alleyways.

Franchise agreements are necessary because the state's anti-donation clause forbids the city from allowing private companies free access to public property to conduct business.




City keeps up dialog about co-op franchise

by Laura London | December 12, 2013 | Filed under: News

The Socorro City Council held another public hearing regarding its franchise agreement with Socorro Electric Cooperative during the council's regular meeting Dec. 2, and the mayor speculated the franchise agreement likely won't be ready before the city's next election in March 2014.


The Dec. 2 public hearing was the third so far in the city's process to develop its electric franchise agreement; the first two hearings were held during the regular meetings Oct. 7 and Nov. 4. Before the public hearings commenced, the city began its franchise agreement process during its regular meeting Sept. 16 with an informative presentation by the city's attorney, Nann Winter of Stelzner, Winter, Warburton, Flores, Sanchez & Dawes in Albuquerque.



Mayor Ravi Bhasker kicked off discussion Monday by reading from the New Mexico state statute governing franchises. The law states a city grants a franchise through ordinance, but city residents can object to the franchise through a petition and make the city council put the franchise ordinance on a citywide ballot. The number of signatures required on such a petition is equal to 20 percent of the number of voters who participated in the previous city election.

During the Nov. 4 hearing, Bhasker reminded the council 112 people voted in the last city election.

According to the state statute, if a petition objecting to the franchise is presented to the council, the city must put the franchise ordinance on the ballot at the next regular election. If the next election is more than 90 days from when the petition is filed, then a special election must be held. The franchise applicant, in this case SEC, would have to pay the expense of publishing the ordinance and of holding the special election.



Some members of the co-op reform group spoke to the council after the mayor read the state statute. Alvin Hickox said the reform group wants openness in

the co-op. He used the District IV trustee election as an example, explaining he and Marie Watkins campaigned for a candidate.

Hickox said the reform candidate got close to half the vote, even though they did not have the same information resources as the incumbent had to successfully campaign.

“I’d just as soon the co-op run the electric,” Bhasker said. “We (the city) don’t know anything about electricity — but if it turns out we need to do that, we will.”

Bhasker said the council needed to hear specific issues about the co-op during its effort to craft a franchise ordinance, which Hickox just provided. Bhasker said Hickox illustrated one way the co-op’s election process is not fair, and that was something the city needs to look at with its attorney.

Bhasker brought up the District III election, which the trustees had declared invalid when they determined the District III meeting didn’t have a quorum. Bhasker said the SEC Board of Trustees attorney talked to the other candidates, who said they didn’t want to run again, so then the attorney decided the election results would be OK.

“To me, that’s not what you pay a lawyer to say,” Bhasker said, chuckling.

Hickox said the city has the power to get what it needs from the co-op.

“We are just a bunch of yo-yos out here trying to get something done,” Hickox said of the reform group.

Hickox said after the co-op board of trustees filed its lawsuit against the member/owners, he was the only person to file an answer to the lawsuit complaint. He did it to make sure the trustees didn’t win the suit by default, which he thought they had expected to do. He said right after that, the co-op attorney called him asking him to withdraw his answer, which he refused to do. He said the reformers wanted a court to judge the situation correctly, “and they did.”

“Did you ever get the bottom line as to just how much that all cost?” Bhasker asked.

“Hell no,” Hickox said.

Watkins then spoke, telling the council it really bothers her how easily co-op elections can be manipulated. She said SEC management controls records, not letting member/owners see them beforehand; ballots are given to a third party vote machine person and co-op employees count the quorum at meetings.

“Who knows what numbers?” Watkins said. “I mean, it’s a flawed system, and if you mistrust the people it’s really a problem.”

Watkins said at one meeting, she asked a guy who was running a voting machine what date was on the list of voters that he had. He told her the list wasn’t dated. Watkins said the list should be up to date every election, and the list should include what date it was completed.

Watkins said another concern was about commercial votes. She said U.S. Department of Agriculture regulations specify all commercial votes must have incorporated entities standing behind them.

“I know for a fact that some of the votes are just made-up businesses that don’t even exist,” Watkins said. “So that needs to be cleaned up and needs to be kept clean every election.”

Watkins named several other concerns about the co-op, including the high employee turnover rate over the past few years. She also suggested having the franchise agreement expire yearly for a while to “keep them on their toes for a while, till we know that they’re giving people good service.” Bhasker said the city was considering something like that. He also said the city will demand yearly audits.

Bhasker said the city has a list of rates for 10 co-ops around the state, and SEC is in the top five cost-wise for an average of 500 kilowatts used.

Bhasker said the franchise fees the city has received over the last 12 years has gone up and down, between \$95,000 to \$140,000 per year.

“And we really have never verified that,” he said. “So that’s kind of what our audit would be for.”

Paul Steyer said he heard SEC had \$10 million or \$15 million accumulated over a period of about 30 years in its capital fund.

“That’s an awfully big cookie jar just sitting there,” Steyer said. “What are they doing with that? Why aren’t they retiring it on a formal, periodic basis? To me, that’s an opportunity for temptation or whatever.”

Steyer also encouraged people to attend SEC board meetings. He’s attended quite a few and said he was surprised at how casually the board seemed to spend money, as in \$10,000 purchases. He said the board should do more analysis before spending the co-op’s money.

Bhasker said he heard someone in Magdalena was owed thousands in capital credits by the co-op and the person complained to the Public Regulation Commission. The PRC directed the co-op to refund the money, but they still didn’t refund it. Bhasker didn’t know if the SEC didn’t have the money to return to the person, or if there is an audit of capital credits performed. He said the city needs to look into it.

Bhasker said the city is compiling a list of concerns and will present them to the city’s attorney. He expressed doubt that the city could get the franchise agreement done by next March, which is when the next city election occurs. He then invited Joseph Herrera, co-op manager, to speak.

Herrera said the SEC is a nonprofit organization and is regulated by the U.S. Department of Agriculture Rural Utility Service. SEC does annual audits that are GAP required.

“There’s not a pile of money,” Herrera said.

Herrera said when the co-op has years with certain ratios of equity, SEC has to get approval from its bankers to issue capital credits.

Regarding the elections, Herrera acknowledged the SEC’s bylaws “are a little screwy” and need a lot of work. Bylaws are basically SEC’s charter and SEC must

follow them. He said no SEC employees touch any ballots; ballots are handled by a third-party administrator, and there is a cost for that.

Herrera said the co-op needs to do a lot of education to let members know SEC is not sitting on a pile of money.

“We have to book that, and it does accumulate,” Herrera said.

He said the co-op has existed 67 years and patronage capital credits build up.

Herrera said the bylaws have been revised many times. One bylaw contradicts state law; another bylaw contradicts itself.

“You try to do your best because these bylaws have been piecemealed, amended,” Herrera said. “So when you work with those, I mean, the bylaws are what we’re trying to do and that’s the best guidance that we have.”

Herrera said RUS requirements are strict, and SEC’s audits have gotten better. He said the SEC wants to cooperate with the city to get the franchise done. The franchise expired in 2009 and the SEC wants to get a franchise agreement both the co-op and city can live with.

Herrera said the co-op has to submit its gross receipts to the PRC, as well as an annual report. He said the PRC collects fees from the co-op based on its receipts; the PRC can also audit the co-op if it doesn’t feel entries are correct.

“We report to the PRC, we report to the RUS, we report to our bankers,” Herrera said. “I mean, the bankers want to make sure they’re gonna get paid, right? So they want to make sure everything is equitable.”

Bhasker noted the city’s ordinances sometimes conflict, so the city hired a codification company to straighten it out. He said that may be helpful for SEC as well.

The mayor also noted Herrera mentioned several entities who hold SEC accountable, such as its bankers.

“But you didn’t say the members,” Bhasker said. “That’s one of the people that you have to respond to also, is the members. I think that’s what I hear, that’s what’s caused a lot of this turmoil.”

Amaro's seat on co-op board certified

by Elva Österreich | November 28, 2013 | Filed under: News

The Socorro Electric Cooperative board of trustees certified the District III vote for Melissa Amaro at its meeting Nov. 21.

Co-op attorney Lorna Wiggins read a memo she had written outlining co-op bylaw, state law and Robert's Rules of Order in regard to the need for a quorum to be present at a district meeting.


However, she said, because there is ambiguity in the bylaws, she and her firm believe it was up to the board to decide how to proceed.

"While it is undisputable that a quorum was not present in person at either time a quorum count was taken," she said, "the board can decide whether to interpret the bylaws as not requiring a quorum present in person if enough members have registered to vote."

She added that as a practical matter, none of the other trustee candidates intend to dispute the results of the election, which was held Nov. 16 and at which Amaro received many more votes than any of the other three candidates.

"We also understand that none, except Ms. Amaro, intend to run again should the opportunity present itself in an election held within the year," Wiggins said.

The board vote was unanimous. Amaro will represent District III on the board beginning in January 2014.




Pargas: Co-op meeting a 'Jerry Springer Show'

by Laura London | November 21, 2013 | Filed under: News

The mayor of Socorro expressed irritation about the way Socorro Electric Cooperative conducts business during the Socorro City Council's regular meeting Monday, even broaching the possibility of putting the city's electricity franchise out for bid to get a different provider.

During the old business portion of the agenda, Mayor Ravi Bhasker said his old business is "the chaos that is the Socorro Electric Co-op election," which was held last Saturday at Finley Gym to elect SEC's District III trustee.

The city is working on giving a monopoly franchise to a company to sell electricity to its member/owners, he said.




"And to see the chaos that happens at the election, and the partisanship that is displayed and allowed to be displayed by the co-op directors ... I've never seen anything like it," Bhasker said. "And then, have a meeting that then negates the over 200 people ... that came to vote, me included."


Bhasker noted apologetically that he left the meeting after voting.

"But I thought that when you went to vote, and you signed in and you signed an affidavit, that that was your vote," Bhasker said. "And that's what you're doing, is you're voting — and whoever wins is fine."

Bhasker said the city is contemplating awarding a franchise to a company that, in his opinion, doesn't follow its own bylaws. He said that when the District III vote was not to the liking of some people, they encouraged others "in a loud, loud fashion" to leave the meeting and cancel the quorum — and therefore also cancel the election results.



"Well, according to their bylaws, they even say that their mail-ins count towards the quorum," Bhasker said. "So I don't know what kind of legal advice they're getting, what's happening."




Bhasker said he plans to ask the city's legal counsel to look into trying to put some constraints on how a business that gets a city franchise conducts its business, and to make sure the way it conducts business is in the best interest of the citizens using the electricity.

Councilor Ernest Pargas attended the co-op's District III meeting and attempted to describe the proceedings.

"I can't even say the words to describe — it was like children were just throwing tantrums when they didn't get their way," Pargas said.

"They're dysfunctional, that's the word," Sherry McGuire, a citizen attending the meeting, offered.

Bhasker asked people to imagine what it would be like if such things happened at a City Council or mayoral election. He asked: What if everyone left town after the city election, and the city election was nullified because everyone was out of town?




Pargas added he saw one person who was not counted as part of the quorum because the man had removed his wristband.

"Well, that's just goofy," Bhasker said. "And dysfunctional."

Bhasker added he heard that one of the trustees made a motion, then seconded their own motion. He said if the SEC board of trustees allows that kind of thing to continue, he doesn't know how the city can allow the SEC to have a franchise. He reminded the council that during the last meeting, they had discussed the possibility voters could bring a referendum to vote on the franchise in a citywide election if public finds the city's agreement unacceptable.

Bhasker said he found it unbelievable that certain people were allowed to control the SEC meeting with tantrums and dysfunctional behavior. He said if a City Council meeting became as unruly as last Saturday's SEC meeting, he would recess the meeting or "hit 'em with my gavel."



Pargas said he ventured out of his comfort zone to vote and fulfill his duties as an SEC member/owner "and that's the 'Jerry Springer Show' that I got."

Bhasker said he had the same feeling about the SEC meeting. He could have relaxed at home and watched football, but he went to vote for the city, his businesses and himself.

Councilor Toby Jaramillo said long before Saturday's meeting, the city had been receiving "complaint after complaint" about how the co-op treats its customers.

"And I think that's uncalled for," Jaramillo said.

Bhasker said the city can only intervene through its franchise agreement — or the city could just put up its franchise to have some other company bid on it.

Bhasker, who owns the Holiday Inn Express in Socorro, shared an anecdote as an example. He said the Holiday Inn corporation — the franchiser — told him his hotel couldn't have an exterior corridor because that was a Holiday Inn standard. The franchiser told him either build another hotel, or they will give the franchise to someone else.


"So they demanded what we could do and what we couldn't do," Bhasker said, "although they had no ownership."

Bhasker reasoned the city is the franchiser and the co-op is the franchisee, and the franchisee has a set of standards they have to follow. He acknowledged there may be a state statute that says otherwise, but he didn't know.

"We have to demand some level of credibility for a company that does business in Socorro that we give a franchise to," Bhasker said.

Bhasker directed city staff to put another public hearing about the co-op franchise on the agenda for the next City Council meeting, which is Dec. 2. It will be the third public hearing so far in the city's process to develop its electric franchise agreement; the first two hearings were held during the regular meetings Oct. 7 and Nov. 4.


City Clerk Pat Salome said the co-op is not totally unregulated outside the franchise agreement. He noted the state Public Regulation Commission regulates rates, the cooperative industry has some jurisdiction and the SEC's corporate status means it must adhere to those standards also. He said the



franchise agreement needs to reflect that; the old agreement makes no mention of those things.

“I think we’ve got to go out of our way — not to tell them how to do business, but that we’re going to be watching closely when it comes to their corporate status, their status as a cooperative and their ability to charge fees (that conform to PRC regulations),” Salome said.

“And carry on business in a fashion that is legal,” Bhasker said. “They had a lawyer sitting right there, but I don’t know if they read the bylaws or not.”



Before the public hearings commenced, the city began its franchise agreement process during its regular meeting Sept. 16 with an informative presentation by the city’s attorney, Nann Winter of Stelzner, Winter, Warburton, Flores, Sanchez & Dawes in Albuquerque. Winter explained a franchise agreement is really a rental agreement by which the local government allows a utility to occupy public rights of way, usually at a price and with rules. The city’s agreement with the co-op, originally made in the 1970s, has lapsed. The existing agreement continues on a month-to-month basis as long as both entities continue honoring it.




Attorney denies co-op vote valid

by Elva Österreich | November 16, 2013 | Filed under: Breaking News

While a total of 184 people voted in the District III Socorro Electric Cooperative trustee election today, co-op attorney, Lorna Wiggins has said the vote is not valid.

A count at the District III meeting netted a total of 65 member/owners present at the business meeting itself. To make a quorum, 66 individuals were needed.

Following the vote, one co-op member, James Cherry, stated he saw several registered members fail to hold up their wrist-bands and thus were actually present but not counted during the count.




When meeting chairman Peter Gonzales called for adjournment, he accepted a motion and a second to adjourn. Wiggins told Gonzales a vote was not required for adjournment, so he adjourned the meeting.

Members present at the meeting demanded the results of the election to be announced and following the adjournment, co-op manager did so, reminding everyone that the numbers are not official and not valid.

Unofficially Melissa Amaro would have won the election with a total of 140 votes; Leroy Anaya received a total of 77 votes; Precilla Mauldin received a total of 27 votes; and Donald Wolberg received a total of six votes.

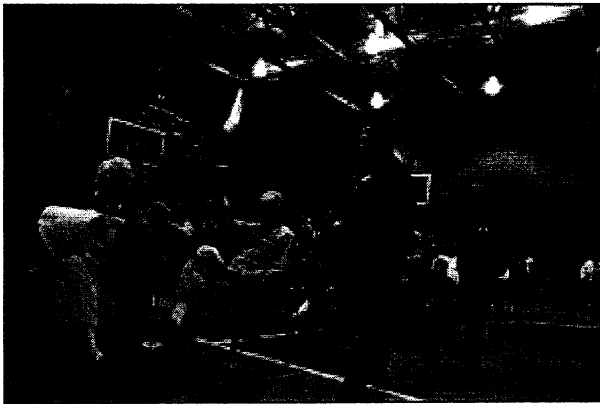
Wiggins said another vote would have to take place before a new trustee can be named.



Wagner wins SEC District II election held in Alamo

by Elva Österreich | November 14, 2013 | Filed under: News

At the District II Socorro Electric Cooperative meeting Nov. 10, incumbent Trustee Charlie Wagner was voted in for another term on the co-op board of trustees. Wagner received 119 votes to opponent Manny Marquez's 80 votes.




Elva K. Österreich/El Defensor Chieftain: Officials count registered Socorro Electric Cooperative member/owners present at the District II Socorro Electric Cooperative meeting held at the Alamo Wellness Center to establish the presence of a quorum for the business meeting. Seventy-four people were counted at the beginning of the meeting, enough to make a quorum.

The meeting itself had a quorum, 74 District II members were registered and so several proposals were able to be brought forth and passed.

After several proposals were passed, however, an audience member stood up and asked for a count and it was found the meeting had lost its quorum. Fifty-nine members were needed and only 53 registered member/owners were left in the room at the Alamo reservation Wellness Center where the meeting was held.

The proposals made were approved to be placed up for voting in the 2014 SEC general meeting.

Colette Foard proposed changes to Article III of the co-op bylaws, essentially clarifying that mail-in ballots should count toward a quorum at meetings.



Meeting chairperson Dave Johnson, after listening to co-op trustee attorney Patty Williams for a moment, said he had been informed the motion submitted is in direct conflict with state law.


When an audience member questioned Williams for the actual statute in state law, Williams said she did not have it with her.

“Vote at your own peril,” Williams said.

“What is my peril as a voting member of this co-op?” the audience member asked.

Johnson said the question would have to be put aside for the day and the proposal voted on.

Another audience member asked for the people up on the platform to be identified.




” ... I’m an attorney at Wiggins, Williams and Wiggins which is the attorneys for the co-op — board,” Williams said.


The question was called and the proposal made by Foard was passed by the majority of ayes with two nays speaking up.

Charlene Wagner stood up to introduce another proposal that allows trustee candidates to have the names of members in their districts for campaigning purposes. The motion carried with resounding ayes and two nays.

Charlene Wagner suggested a proposal to include ballots in the election notices going out to all members. Audience members moved and seconded to make the motion.

Another audience member raised an objection, saying it would be costly to do so in terms of mailings. Someone else responded if the co-op would stop running the costly advertisements on the backs of the Enchantment newsletter, the money would be better spent sending ballots out.





Before discussion was over and a vote could be held on this proposal, a count for a quorum was called and it was declared the quorum was lost.

The chairman declared the meeting over.

The District III Socorro Electric Cooperative election takes place this Saturday at Finley Gym in Socorro with registration beginning at 1 p.m., the business meeting at 3 p.m. and a candidate forum at 10 a.m.

Co-op franchise hearings continue

by Laura London | November 14, 2013 | Filed under: News

The Socorro City Council held another public hearing about the city's franchise agreement with Socorro Electric Cooperative during the council's regular meeting Nov. 4.

It was the second public hearing so far in a process that may extend through next spring.

Bob Tacker, who owns rental properties in Socorro, was the first to speak during the hearing.

"I'm basically a fan of the co-op," Tacker said. "They're a vital part of the community, and we need them to work — we need them to work well."


Tacker said he's had issues with the co-op lately. He and the co-op were able to work through the issues, he said, "but probably a little harder than we needed to," adding he is probably more persistent than many people. He also said he used to share an office with the person who now serves as chairman of the Public Regulation Commission and was able to call him.

"But not everyone has that opportunity," Tacker said.

Tacker suggested the city appoint an ombudsman to serve as a neutral party to help co-op member/owners work through issues with SEC. He said having a local person for member/owners to approach might make resolving problems easier. He said most issues he's heard about with SEC could be resolved through conversations, but the SEC does not seem to have a forum to do that.

Tacker said the co-op is not just regulated by the PRC, but also federal and state regulations. Wading through all the rules can be time consuming, he said, adding he now had PRC regulations memorized. He said the PRC regulations are poorly written, and there are a lot of areas they don't cover.

Mayor Ravi Bhasker asked Tacker to share his specific complaints about SEC.




Tacker he said a tenant moved into one of his rentals who owed the co-op a lot of money from service at another address where he had lived. He said the co-op transferred the tenant's past due balance to Tacker's business account.

"Which really would have almost taken anybody in the rental business out of business — because any tenant coming through the door is a potential ticking time bomb," Tacker said. "They might owe \$200, \$2,000, \$20,000."

Tacker explained he has no legal right to ask tenants if they owe the co-op nor any way to charge their past due co-op balances back to them. He said it took a few days and several phone calls to get the issue resolved. He said one must read the PRC regulations very carefully, and he thought someone at SEC had interpreted a regulation to mean the co-op could move the tenant's past due balance to the new landlord's account.

"But that was fairly tricky, and not well written," Tacker said of the regulation.




Tacker said for various reasons, people sometimes ask him for help in resolving issues with the SEC.


"No, I've put away my cape and retired," he said. "But I think it's a role that the city could consider."

City Clerk Pat Salome said if the city had an ombudsman position as Tacker suggested, the person could help individuals understand the relationship between the co-op and the PRC. He noted not everything is regulated by the PRC, which predominantly regulates rates utilities charge.

Salome said the public plays a role in adopting the city's franchise ordinance, and offering assistance to people in working out issues with the SEC would be a normal thing for the city to do.



Bhasker said the city's franchise agreements, per state statute, are subject to the public's acceptance; voters can bring a referendum to vote on the franchise in a citywide election if the voters find the agreement unacceptable. He said 2 percent of voters can bring such a referendum, and reminded the council that 112 people voted in the last city election.




"There is a vehicle out there for the public to say, 'Hey, wait a minute, City Council, you're being too buddy-buddy about this franchise' ... so we want to get ahead of that," Bhasker said. "We want to make sure the public is satisfied with what the City Council's going to do."

SEC manager Joseph Herrera came to the podium after Tacker. He said the PRC is an advocate to hear the public's complaints, and the SEC board of trustees is also an advocate for consumer/member complaints.

Herrera said Tacker spoke to the board of trustees and staff kept the board informed on the issue. He added PRC regulations can be interpreted many different ways.

"Sometimes you really have to become an attorney to understand their interpretation," Herrera said. "But they are there as an advocate for the consumers throughout the state."




Herrera said Tacker's issue arose in part because the co-op has been working to collect bad debt.

"In the last 18 months, Socorro Electric has written off over \$600,000 in uncollectible debt," Herrera said. "And you know what happens when you can't collect — the other members, who pay their bill on time, are the ones that have to support those ones that don't pay their debt."

He said SEC wants to collect on delinquent accounts so it doesn't have to increase rates for all the member/owners. He later said the \$600,000 was from 2009-2011.

Councilor Michael Olguin asked about TriState Electric Cooperative. He said at a co-op district meeting, he heard discussion about the co-op waiting to see how TriState changes its rates to determine SEC's rate changes.

Herrera said SEC has to mirror TriState's electric rate design to ensure the different classifications of customers are paying their fair shares.



Bhasker said there are some appeals to TriState's proposed rate increase and asked if the co-op was involved.

"We are interveners in the case," Herrera said.

Bhasker asked Herrera what the kilowatt charges are on a residential member/owner's bill, without the add-ons. Herrera said the add-ons vary month to month.

Herrera said the kilowatt per hour charge varies from user to user. The charge is lower for a customer who uses less power.

"Transparency almost demands to get that information," Bhasker said.

Bhasker asked how SEC ranks among other co-ops in the state, whether it was about in the middle as far as how much customers are paying.

Herrera said some utilities may have a lower kilowatt/hour charge, but other charges may be higher, like the system charge. Some utilities also add charges according to the size of the customer's transformer.

"I can't get a straight answer," Bhasker said. "Everybody's different, you say."

Herrera said all customers differ in their usage.

Bhasker said perhaps he needed to better formulate his question.


Councilor Nick Fleming asked if any customer could get an information sheet explaining kilowatt per hour charges, debt service charges and other charges on their bill.

"Yes," Herrera said. "In fact, we'll sit down with them and walk them through the charges and explain each charge to them — and give them a written handout."

Herrera said SEC also does site visits and performs energy audits, where SEC staff go through the member/owner's home and see how customers can save on electrical consumption and lower their bill.

Councilor Gordon Hicks said his father was the first manager at SEC. He asked how often SEC gives money back to member/owners.

Herrera said this year and last year SEC retired patronage capital for 1978-1983. He said the co-op tries to do it as often as possible, but it depends on the co-op's margins and financial status.



Bylaw changes discussed at District V co-op meeting


by Elva Österreich | October 10, 2013 | Filed under: News

The first of the Socorro County Electric Cooperative district meetings took place Oct. 5 in Quemado.

No quorum was established but reports and discussion took place. Fifty-seven registered in District V were needed for a quorum and only 23 member/owners registered. All told, there were about 40 people present.

Co-op Board of Trustees member Prescilla Mauldin was present to talk about a member by-law committee she had created and the results of committee meetings.

Mauldin said the purpose of the committee was to clean up bylaws proposed in 2012 by District V and present them to all the members during the 2013 district meetings.




She said she asked for one person from each of the five districts to be on the committee and the committee met four times — July 9 and 16 and Sept. 15 and 19 — to talk about the proposed bylaws.


The idea, Mauldin said, was to “bring together suggestions by putting bylaws in line with members’ desires.”

She said the idea was to clean up the proposed bylaws to reflect membership intention and fit in with state law.

She said they wanted bylaw revisions that would discourage trustee misuse of power, eliminate contradicting bylaws, move SEC forward, away from divisiveness and that can be voted on during the 2014 general meeting.




District V Trustee Anne Dorrough said she sent emails to everyone she had addresses for and none of them wanted to be on the bylaw committee and that’s why there was no representative from District V.



“This is not a legitimate way to go about our business,” a District V audience member said later in the meeting. “We go about our business at our district meetings and our annual meetings, we do not have committees like this that are looking to change things we already voted on and put in effect in their own fashion to shape them as the board of trustees and the lawyer would like them to be shaped. This is not legal, this is not representation ... we have already voted on the amendments we want passed.”

Charlene Wagner asked if all trustees were contacted for committee membership recommendations. Maulden said they had been but Charley Wagner, District II trustee, said he had not been contacted.

Mauldin responded by telling Wagner it is over and no longer up for discussion.




A member stood up and asked Mauldin why a certain part of the proposed bylaws had been crossed out — the part that caps trustee expenses to \$10,000 and \$15,000. Mauldin said that should not be crossed out, that those numbers stay the same. Another District V member responded by asking how many other mistakes were in the committee recommendation document.

An audience member asked why the bylaw committee was needed when the District V bylaw recommendations have already been voted in by the members.

Charlie Wagner said the bylaws already include a system to introduce bylaw changes. He called the bylaw committee illegal.

“The purpose of having voting districts is about having members come together and formulate bylaws about changing how the management behaves,” Charlie Wagner said. “Federal law says co-ops are democratically controlled by their members.”

Dorough said the bylaw committee has submitted its version to the members and the members’ committee is asking you how members feel about it.



“Myself, I would like to see the bylaws professionally redone,” she said “I don’t feel like I’m qualified but I am only one vote on the board.”

“Prescilla’s approach is to seek your input on how you want to see the bylaws change.”

“I think our district has done our job,” an audience member said. “We elected her, we did our job, it is for the other districts now. This piecemeal changing of the rules is just lawyer fees.”

When another audience member asked what will happen with the proposed changes in the bylaws, and if the member committee would be an ongoing committee, Mauldin said members in districts should let their trustees know what they think of the committee report. Then the member committee could meet again to consider the input they get from the districts.


“We passed in District V (last year) 31 bylaw amendments,” Charlie Wagner said. “They will pass at the annual meeting. The Board of Trustees tried to block those at every turn. The lawyers that we have are allowing the board to violate the bylaws but making the members abide by the bylaws.”

Someone in the audience asked, “When is it going to get fixed?”

“One of the most important things to getting things fixed is participation in the meetings,” Dorrough said. “If we can’t get a quorum, we can’t do anything.”

To see the member bylaw committee revision document visit www.informedcynic.com and click on Members bylaw committee reports (Part 1 and 2).

James Cherry contributed to this report.




Co-op district meetings begin

by Elva Österreich | October 10, 2013 | Filed under: News

For what is probably the first year in Socorro Electric Cooperative history, districts that are not electing trustees are holding business meetings. These meetings do have the ability to develop bylaw amendment suggestions to bring before the membership in the next annual meeting.

District V had its meeting this past weekend — Saturday. The District V trustee election was held last year with member/owners voting Anne Dorrough onto the Board of trustees. There was no election in District V this year, though the meeting was a lively one as it is last year's District V bylaw change proposals that caused so much controversy at the 2013 annual election.




On Oct. 17, a Thursday, the District I business meeting will be held at Las Nutrias Senior Center with registration from 3 p.m. until 5 p.m. and the meeting starting at 5 p.m.

In 2012 Leo Cordova won the District I election so this too will be a business only meeting.

District IV has its business meeting coming up Oct. 29 at San Antonio School in San Antonio. Registration is from 3 to 5 p.m. and the business meeting begins at 5 p.m. Trustee David Wade represents District IV and, being elected in 2012, this will not be an election meeting.

District II, currently represented by Charles Wagner, holds its meeting at the Alamo Navajo reservation on Nov. 9 and this is an election year for the district. The filing deadline for anyone who wants to run for the District II trustee position is 4 p.m. Oct. 11.



With redistricting that occurred in 2011, many Socorro city residents have now become part of District II. A map is available at www.socorroelectric.com to help member/owners find their district. The co-op can be reached at 575-835-0560 or 800-351-7575 to help determine which district to vote in.

Also holding a trustee election is District III, which meets at Finley Gym in Socorro on Nov. 16. The filing deadline for District III is Oct. 18 at 4 p.m. The meeting will begin with registration from 1 to 3 p.m. with a business meeting beginning at 3 p.m.

There will be a District III candidate forum, also at Finley Gym, from 10 a.m. until noon on the same day, Nov. 16.

City looks at electric concerns

by Laura London | October 10, 2013 | Filed under: News

A variety of concerns were discussed during the Socorro City Council's public hearing on the city's franchise agreement with Socorro Electric Cooperative during the city's regular meeting Monday.

Mayor Ravi Bhasker said the public hearing was the first of a few the city plans to hold about the franchise agreement, saying possibly five or six will be held by the time the city approves the agreement. He estimated that could be January or February 2014.

Charles Wagner, who represents District II on the SEC Board of Trustees, was first to share public comment. The first concern he discussed was SEC's unauthorized \$1,000 donation to the Socorro Public Library. He explained the co-op is supposed to operate at cost, accumulating no more revenue than necessary to meet its debt obligation for the next year.

Wagner said the co-op is not supposed to make donations other than to the Socorro Electric Scholarship Fund; any unused profits are supposed to be returned to its member/owners. The scholarship fund only gets the unclaimed capital credits of people who leave town without providing a forwarding address.

"We're making decisions to donate for our members," Wagner said, "because anything we don't spend in operations is their money. It's supposed to make its way back to them ... We shouldn't make those decisions for our members."

Bhasker and city Clerk Pat Salome asked if New Mexico Tech pays franchise fees such as residential customers have to pay. Wagner thought Tech does pay the fee, but he wasn't sure. He said he would like to see a copy of the franchise agreement but hasn't been able to get one from the co-op.

Wagner added another concern was the fees the co-op charges for pole attachment, or for another company to share its poles. He thought the average

for other places around the country was \$7 per foot of line attached to a co-op's poles, but SEC doesn't charge anywhere near that much — "and we probably should be."

Marie Watkins was next to share concerns, and she brought up the double line from Arizona erected to bring a lot more power to benefit Tech and the Very Large Array. However, she said the cost has been distributed among all SEC customers.

"So basically, the poor people in town are subsidizing the VLA already," Watkins said. "So I think as you work out your plan with Socorro Electric, it would be important to notice inequities like that."

Watkins also said SEC frequently does not abide by open records laws. Instead, the trustees sue the member/owners, then the member/owners end up having to pay for their own attorneys and the board's attorneys.

Watkins said part of the franchise agreement should require that the city be provided a full set of SEC's records. That way, if member/owners couldn't get access to SEC's records, the city would have a backup for them to look at. She said the membership rolls, for instance, should be available for the public's perusal.

Bhasker agreed the city's access to SEC's records is an important part of the franchise agreement.

Charlene West believed Tech and VLA get a break in their rates, but not residential customers. Bhasker said the city wants to make sure everybody is treated the same.

Salome said the city can't dictate electric rates; however, when rates come before the Public Regulation Commission, the city can ask questions and help ensure the rates are fair to everyone.

Wagner said there is a misunderstanding of the relationship between the co-op and the PRC. He explained the Board of Trustees files a proposed rate increase with the PRC, which is then approved automatically unless at least 25

residential customers file a complaint with the PRC within 90 days of the proposal. For a raise in commercial rates, 1 percent of the businesses have to file a complaint. If complaints are filed, Wagner said the PRC suspends the new rate for nine months while the PRC determines if the rates are fair.

Wagner said the last rate increase was large for customers at the lower end of the consumption spectrum — a 35 percent increase — and only 10 complaints were filed with the PRC. Councilor Toby Jaramillo asked if the co-op lets customers know about the 25-complaint requirement to get the PRC to review a rate hike.

"That's somewhat of a secret," Wagner said. "But they do publish the rate increase at the time they submit it to the Public Regulation Commission."

Bhasker said the city is concerned about whether the rate structure is applied fairly across the board.


Wagner listed another problem: The law firm representing the co-op Board of Trustees seems anxious to bill for more hours for handling lawsuits, and appears to encourage people to sue. He told of an instance West had to sue for a list. West won in court, but she had to pay an attorney.

"And, of course, the co-op's attorney got paid for going to court in a situation that she knew she was going to lose," Wagner said. "That's the kind of frustrating thing that happens."

Wagner stressed all the member/owners, including the city, need to be concerned about the co-op, read the bylaws, and get active in meetings and elections. The co-op is democratically controlled by its members, he said.

Wagner said electricity through SEC probably costs 26 cents per kilowatt hour, which is higher than average across the country. Bhasker asked how much PNM charges customers; Watkins said PNM's base charge is half as much as SEC, and half as much per kilowatt hour.


Wagner noted co-ops serve low population areas, so they don't enjoy the economics of scale such as a larger company like PNM, which serves



Albuquerque, Alamogordo, Silver City and other places in the state. He said the co-op is not able to be as efficient due to the low population density of the area served.

Bhasker said that would mean the city of Socorro could raise its water, sewer and natural gas rates, but the city doesn't do that. He said Socorro's rates fall about in the middle among communities across the state. Bhasker questioned whether the economics of scale hypothesis is true.

"I'm not saying that the city is interested in running the co-op, but I think there needs to be some stress placed on competition," Bhasker said. "And if it's a monopoly, it's difficult to have any competition."




One woman said a lot of people in the co-op's service area have no electricity because they can't afford it, and the SEC is supposed to be a nonprofit co-op — yet the SEC gave its unauthorized contribution to the library. She said SEC should instead set aside money for the elderly and other struggling people to have electric service. She added another 4.9 percent increase is coming before the PRC soon.

"Look at what they're spending money on," Wagner said. "When they sued all of the members, including the city, that cost somewhere between — they won't give me the numbers — but it cost somewhere between \$300,000 and \$500,000 for their lawyers. ... That seems to me like that is against their fiduciary duties. That's ridiculous.

"They lost the suit, but they still incurred the cost of all of those attorneys."

Bhasker said the city has a duty to look into all of the concerns brought up during the public comments. He said the city will make the draft franchise agreement available for the public to review before the city ever signs it.






City discusses electric franchise with Socorro Electric

by Laura London | September 26, 2013 | Filed under: News

The Socorro City Council started the process of renewing its franchise agreement with Socorro Electric Cooperative during the council's regular meeting Aug. 16.

The city's attorney, Nann Winter of Stelzner, Winter, Warburton, Flores, Sanchez & Dawes in Albuquerque, explained a franchise agreement is really a rental agreement by which the local government allows a utility to occupy public rights of way, usually at a price, and there are rules.




She said franchise agreements expire, and the city's agreement with the co-op, originally made in the 1970s, has lapsed. She said the agreement continues on a month-to-month basis, not much unlike a lease between landlord and tenant, as long as both entities continue behaving in the same manner — such as SEC continuing to pay franchise fees to the city and the city allowing SEC the use of the right of way.

Winter said the agreement with SEC was so old it probably had rules the city would like to change. She suggested city department heads discuss with the council changes they would like to see. She also suggested the city hold public hearings to get citizen input on this and other franchise agreements.

Winter noted some things the city can't control through the franchise agreement, such as rates the co-op charges its customers. Other things it can influence, such as behaviors in the city's rights of way, unmaintained poles and how quickly the co-op must respond to outages.

Mayor Ravi Bhasker asked if the city has the right to look at the co-op's books to make sure SEC is paying the appropriate percentage in franchise fees to the city.



“Under generally accepted accounting principles, you have an audit right,” Winter said. “You have the right to look at everything that generates an income. They can’t just give you a select few pieces of paper.”

She added the city can pull statements the co-op files with the Public Regulation Commission to compare that with what the co-op forwards to the city.

Bhasker asked about the SEC’s use of the city’s rights of way to co-locate other utilities.

Winter said generally, a utility cannot allow another company to piggy-back on its lines without telling the city about it.

“This is your taxpayers’ real estate ... nobody but Socorro can give another provider permission to use your real estate,” Winter said.


Winter said the city needs to know every entity using a facility in the city’s right of way, and should have a separate agreement with each user. For example, if a pole gets knocked down, the city’s firefighters would want to know what services were on that pole.

To start working up a new franchise agreement, Winter suggested the city start with a couple of open meetings and take public comment. She noted the franchise agreement was both an ordinance and a contract between the city and utility; it is a negotiation with the utility, but also requires a public process.

Winter noted the franchise agreement was a three and a half page document from 1972, with no reference to insurance and very limited reference to audit rights. She added even the franchise agreement for the tiny village of Corrales and its utility is a 26-page, single-spaced document.

Councilor Nick Fleming noted the old agreement stipulates franchise fees only be charged to residents’ utility bills, and asked if that was the norm. Winter said it was not.

“Generally speaking, it’s on gross revenue — regardless of the source of revenue,” Winter said.




She said for whatever reason, in 1972 the city decided not to charge franchise fees for any electricity sold for industrial consumption like manufacturing or mining; not to charge educational institutions and not to charge any city account.

“Now that one I have seen; the city of Raton also does not get charged franchise fees on city accounts,” Winter said.

Councilor Gordon Hicks asked if the city could see what other franchise agreements charge the different customers. Winter said she has multiple examples, and will find some for communities close to Socorro’s size for the city to examine.

Luis Aguilar, president of the SEC Board of Trustees, said it was about time for the city and the co-op to discuss franchise terms. He requested the city share everything they were looking at with the co-op.




“And that way, just like a choir, let’s all sing from the same sheet of music,” Aguilar said.

Bhasker said it could be months, possibly even a year, before a new franchise agreement is put together. He listed things that need to be discussed: the “spaghetti” that needs to be taken off the poles; co-locating lines without the city’s knowledge, which was something he’d mentioned on purpose; the question of whether to charge franchise fees to educational institutions and the issue of auditing the co-op’s books.

Aguilar said the books are available at the co-op for the city to review at any time.

Bhasker said the city’s franchise agreements with CenturyLink and Comcast have also lapsed and will have to be examined.

In other business, the Socorro City Council:



Approved an agreement with Socorro County to donate property in the city’s industrial park to the county where the county can built its new detention

center. Bhasker noted the county will clean up the property and do landscaping, and the project will enhance the city's industrial park area.

Accepted a MAP grant through the New Mexico Department of Transportation to complete the dog leg on J.O. Gallegos Road. Bhasker noted the city has been doing the road piecemeal, and has already completed the entrances to J.O. Gallegos from Frontage Road and El Camino Real. The resolution states the total cost of the project is \$192,691, with the DOT share to be \$144,518 and the city's match to be \$48,173.

Approved the city's infrastructure capital improvement plan for 2015-2019. The top five priorities, in order, are: U.S. Highway 60 improvements — adding one or two lanes entering city limits, which is also on Socorro County's ICIP; wastewater expansion — extending sewer lines and improving the sewer plant; building of the rodeo/recreation facility; reconstruction and drainage improvements on Texas, Vermont and B streets; and drainage infrastructure and detention ponds on Cuba Road.

Accepted a community transformation grant of \$40,000 through the state Department of Health to expand opportunities for healthy eating and active living for local children.

Set up a new fund to accommodate a \$5,000 DOH grant for Socorro County Options, Prevention and Education, Socorro's community health council.

Reappointed Betty Salazar, Gilbert Apps and Joe Daniel Saavedra to the city's Police Oversight Commission for two-year terms beginning Oct. 1. Chuck Zimmerly and Santiago Naranjo were appointed to one-year terms beginning Oct. 1 on the POC.

Appointed David McDaniel and Michelle Herring to the city's Juvenile Justice Committee for one-year terms.

Approved a job description for the city's information technology director position.




City meeting slows from lack of attorney

by Laura London | September 12, 2013 | Filed under: News

The Socorro City Council had the city's franchise agreement with Socorro Electric Cooperative on its Sept. 3 meeting agenda, but the item was not discussed for lack of an attorney.

The item was first on the list after the city's infrastructure capital improvement plan public forum, but the council moved it down on the list since the city's attorney was not present.

No materials related to the franchise agreement were included with the city's agenda packet.




Mayor Ravi Bhasker said the item could be discussed during an executive session, but the city preferred to discuss it openly before the public. He said the city's attorney, Nann Winter, was on her way from Albuquerque.

When the council went through all the discussion/deliberation agenda items and the attorney still had not appeared, Bhasker suggested the city hear department director reports and hope the attorney would arrive by 7 p.m.

The attorney still had not appeared by the end of the department reports, so Bhasker apologized to the co-op representatives who had come to the meeting.

"Whenever you are ready to discuss this franchise, please let us know and we'll do everything that we can to bring this to a happy conclusion," Luis Aguilar, president of the co-op Board of Trustees, said.

"Absolutely, and obviously it's for the consumers," Bhasker said. "And, again, we wanted to do it in public and make sure that nothing's done that's not accessible to the public as far as what we're talking about. I think that's important also."



Aguilar said he totally agreed with the mayor.

"All we want is complete transparency," he said. "We appreciate it."

Aguilar then asked about the co-op's use of Finley Gym on Nov. 16. Bhasker said although the meeting is only two hours, the city must charge full price because they have to set up the gym for the meeting and take everything down afterward.

City Clerk Pat Salome said the co-op franchise agreement requires the council to pass an ordinance after terms are discussed between the council and the co-op board. He said passing the ordinance will entail a public hearing, as required by the state in the ordinance process.

Aguilar said once an agreement is reached with the city, the full co-op board will have to vote on it.

Prescilla Mauldin, co-op board vice president, and co-op manager Joseph Herrera were also present, and Aguilar introduced them in case anyone did not know them.

Bhasker said the city will call the attorney next time and confirm she is coming.

In other business, the City Council:

Agreed to be the fiscal agent for a McCune Foundation grant. Al Smoake wants to apply for the \$10,000 grant to purchase a new kettle for the Socorro Community Kitchen.

Approved first reading of an ordinance to sell 42 acres west of Interstate 25 near the Lemitar exit to Durkin Diesel Specialty LLC. Salome said the city will hold a public hearing for the proposed sale during the council's first meeting in October.

Approved the transfer of ownership of the liquor license for John Brooks Supermart to accommodate a new stockholder.

Approved a memorandum of agreement with Socorro County to exchange \$40,000 in detention center funds for \$40,000 in EMS funds. The MOA explains the county has \$40,000 earmarked for EMS, yet doesn't have an EMS program,

while the city has \$40,000 earmarked for detention, yet doesn't have a detention center, so they exchange the funding. The Socorro County Commission approved the same MOA during its Aug. 13 meeting.

Awarded an airport project bid to Maxwell Asphalt of Salt Lake City, Utah, for pavement maintenance on the runway. The bid was approved unanimously except for councilors Olguin and Pargas, who were absent, and Gordon Hicks, who voted against it because he preferred awarding the contract to a local business. Maxwell had the lowest bid by about \$10,000.

Approved an amendment to the engineering agreement with Dennis Engineering for the Hope Farms wastewater expansion project. City finance director Mable Gonzales said this will allow the city to go out for bid and enter the construction phase. Lloyd Martinez said the project will bring city wastewater service to residences from the corner of Otero Avenue and Hope Farms Road south as far as \$1.2 million in funds will take the project, which the city won't know until construction is actually bid for the project.

Set up a rodeo arena reserve fund. Gonzales said setting up the special fund was required as part of the loan agreement with the New Mexico Finance Authority.




Co-op meetings set

by Elva K. Osterreich | August 8, 2013 | Filed under: News

At the Socorro Electric Cooperative's July 24 meeting, dates, times and some places were set for 2013 district meetings. In the past, co-op districts have only had meetings during election years, but this year, as demanded by a new bylaw amendment, all the districts will have meetings regardless of whether it is an election year or not.

During the proceedings, the board member of each district proposed time, date and sometimes location for the meeting for their district, then the board would vote on the proposal.

The District I meeting will be held Oct. 17, a Thursday, with registration held from 3 p.m. to 5 p.m. and the meeting at 5 p.m.




For the District II meeting, Trustee Charlie Wagner proposed the second Saturday of November from 1 p.m. to 3 p.m. for registration and 3 p.m. for the meeting to be held at the Macey Center at New Mexico Tech.

Other trustees indicated confusion at the location choice as District II encompasses Magdalena and Alamo.

Wagner pointed out with redistricting completed last year, parts of western Socorro are now included in the district and he wanted to make those new district members feel welcome. Also, Wagner said, with groceries not as available as they once were in Magdalena, people from both Magdalena and Alamo often travel to Socorro on the weekends for shopping so a Saturday meeting in town would not be so inconvenient.

Trustee Donald Wolberg said the Macey Center is expensive and he suggested the Alamo Navajo reservation would be a more appropriate place to have the District II meeting.



The board voted down the Macey Center as the location and Wagner then suggested the Tech Arts Center.

“I think it would be appropriate for the trustee of the district to be able to determine the venue of his own district meeting,” Trustee Ann Dorrough said, speaking up for Wagner.

“In the past we have always allowed the board member to choose the place of the meeting, especially when it is an election year,” Wagner said. “I am trying to put the election in a neutral place.”

But the Arts Center was also voted down by the other board members.

Trustee Prescilla Mauldin motioned for the District II meeting to be held in Alamo, keeping the date and time as Wagner had proposed them.

Wolberg seconded the motion and it passed with only Dorrough voting against the motion.

So the District II meeting will be held at the Alamo reservation Nov. 9, with registration and voting from 1 p.m. to 3 p.m. and the meeting starting at 3 p.m.

Wolberg was next as District III trustee. He suggested adding a candidate forum to the meeting plans. So for District III the schedule, as voted in by the trustees: On Nov. 16 there will be a candidate forum from 10 a.m. to noon; registration and voting will be from 1 p.m. to 3 p.m.; and the meeting will start at 3 p.m.

Wagner suggested the co-op should send out a sheet with biographical information and photos of the candidates when they send out mail-in ballots for the district elections.

The District IV meeting will be Oct. 29 at the San Antonio School with registration from 3 p.m. to 5 p.m. and the meeting starting at 5 p.m.

The District V meeting will be Oct. 5, 10 a.m. to 1 p.m. for registration and voting and holding the meeting 1 p.m. at Quemado High School.




Co-op still trying to determine if District V resolutions legal

by Elva K. Osterreich | July 4, 2013 | Filed under: News

During the June 26 Socorro Electric Cooperative meeting, Trustee Pricilla Mauldin read out a statement regarding bylaw changes.

She said the bylaw changes brought up by the members of District V, known as the District V resolutions, are a commendable attempt to make some needed changes and the bylaws certainly need revising.

But, she said, some of the proposed resolutions have language issues and some don't conform to law. There are two issue of concern, she said. There needs to be a special meeting where the resolutions are voted up or down by the membership.




"Some need to be voted down," Mauldin said. "Not because they are bad ideas, but because some of the language doesn't conform to New Mexico law or is already restricted."

The cooperative needs an effective system for the bylaws to be changed, she said.

"We are a membership cooperative, members count," Mauldin said. "The District V resolutions have quality ideas that need our support."

Mauldin said she supports about a third of the proposed resolutions, a third need word improvements and the remaining third need additional thought. Most of the final third she said she agrees with, but they need to comply with state law.

Mauldin proposed a member bylaw committee, with one member from each district and two trustees to reconstruct bylaw changes.



Holding the intent of positive change is important, she said, and a committee is a "critical start" to working together to solve bylaw issues.

Trustee Charlie Wagner said he thinks the bylaws already give the members a way to change the bylaws. Changing the bylaws is exclusively the area of the members. Members change the bylaws by voting on them at a district meeting so they can be brought to the ballot at the co-op annual meeting.

“The problem is that in 2012 and in 2013 the law firm that represents the trustees would not allow us to vote on the bylaws that were offered by districts and they would not allow us to vote on the bylaws from the floor of the meetings,” Wagner said. “Those actions by the attorney or by the administration interfere with the bylaws by not allowing the members to do what the bylaws require them to do.”

The proper place to propose changes to the bylaws is at the district meetings, Wagner said.

Trustee Anne Dorough asked if the June 8 meeting, a continuation of the annual meeting, was going to be considered a quorum or not.

“A determination as to whether there was a quorum is necessary to know before we know if they have already voted on these amendments,” Dorough said. “What do we have to do to get an independent ruling on whether or not there was a quorum and whether or not the District V amendments have been approved for the 2014 ballot?”

Co-op attorney Bruce Wiggins started talking about concerns and advice. He said they believe a number of the proposals that were voted on during the District V meeting (Oct. 27, 2012) were never adopted properly because there was not a quorum present when they were adopted. He said some resolutions passed after the quorum failed.

He also said it is the co-op board members’ opinion that in the May 15 annual meeting and the reconvened annual meeting, there was never a quorum at the point the District V resolutions were to be considered because they believe the bylaw that counts mail-in ballots toward a quorum is unlawful.

Wiggins said a member could bring a lawsuit in order to determine if the mail-in bylaw amendment is valid or not.

Quorum may or may not be valid at co-op meeting continuation

by Elva Österreich | June 9, 2013 | Filed under: Breaking News

The annual meeting of the Socorro Electric Cooperative was held on Saturday after being continued by a vote at the end of the May 15 meeting.

As the meeting got started at 3 p.m., it was announced there were 142 people who registered. People present who had previously sent in mail-in ballots were not allowed to register in person for the meeting because they had not been at the previous one.

There were 189 mail-in ballots submitted at the original meeting, so only 97 in-person members were actually needed to fill the requirements for a quorum, if the mail-in ballots are allowed to count. There is disagreement as to whether the mail-in ballots count because, according to co-op attorneys, state law allows only for in-person participation at annual meetings to make a quorum.

"It is our opinion as council that mail-in ballots cannot be counted towards a quorum," said attorney Bruce Wiggins. "However, because that issue would not be resolved here today by me or you or anybody but a judge at some point in time in the future, our suggestion is to continue the meeting and deal with each of the resolutions and move that problem down the road so to speak."

Wiggins also pointed out if the number of present members eligible to vote dropped to below 97, there would be no quorum.

So the meeting continued with the overhanging idea that it might not count if later determined the mail-in ballots do not count toward a quorum.

Trustee Charlie Wagner, who positioned himself on the floor with the member-owners rather than in his seat on the stage, moved the 31 by-law resolutions suggested by the District V members be approved in totality. The motion was overwhelmingly passed by the member owners present.

Aguilar then suggested the resolutions be discussed one at a time. Parliamentarian Adams explained the usual procedure would be to discuss each resolution one by one and then vote on them as a block.

From the floor, member-owner Richard "Arf" Epstein called for the question, was seconded, and the vote was called to pass the 31 resolutions immediately.

"Let's end debate and vote on all of these right now," Epstein said. He was seconded by numerous voices.

So Aguilar called for the question saying all those in favor would be voting to include the District V bylaw resolutions on the ballot at next year's annual meeting.

The crowd immediately protested loudly, Wagner stood to explain why the vote should apply immediately rather than waiting until the 2014 meeting to pass. Co-op attorneys explained why they feel the vote can't apply immediately.

Finally the debate ended as the members went ahead and voted to place the resolutions on next year's ballot. Later, as Wagner moved to end the meeting, he also explained there is a petition going around to get 10 percent of the membership to sign in order to call a special meeting to put the District V and other resolutions passed Saturday in place.

Co-op annual meeting will continue

by Elva K. Österreich | May 24, 2013 | Filed under: Breaking News

During the May 22 Socorro County Electric Cooperative board of trustees meeting, several trustees questioned the validity of the annual meeting vote to reconvene the meeting on the second Saturday of June. However, on May 24 co-op manager Joseph Herrera confirmed by email there will be a membership meeting held June 8.

Since the annual meeting according to co-op attorney Lorna Wiggins lost its quorum before the end of the meeting, trustee Charlie Wagner made a motion at the annual meeting to continue the meeting on the second Saturday in June. His motion was overwhelmingly passed by the members present.

On May 22 trustee Priscilla Mauldin said Wagner broke all the rules at the annual meeting by standing up and "taking over the meeting" without being recognized.

"So anything he said to members and voted on was not legal," she said. "There can be no vote to have a meeting in June."

Trustee Don Wolberg said Wagner was not registered to vote at the meeting and so he couldn't make a motion.

Trustee David Wade asked if a meeting participant has to be a registered member to make a motion at the annual meeting, and Wiggins said she thinks the board has established that.

The first order of business at a meeting is to register.

Wagner said his wife performed the registration; the couple have a joint membership. He also said he has the right to speak as a trustee.

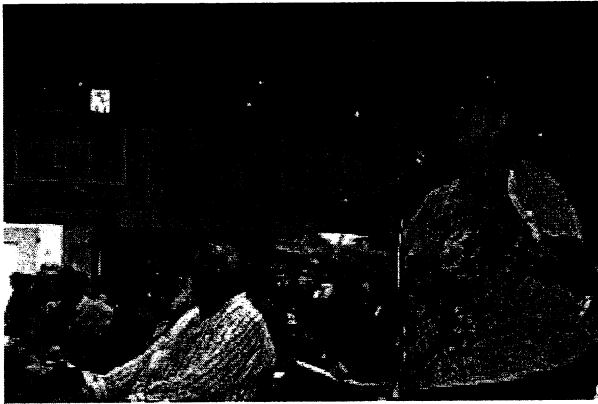
Wagner continued speaking to clarify his statement but board president Luis Aguilar overran Wagner's words, saying the meeting would move on to the next item.

Wagner said he thinks it is important to address the issue of holding a meeting in June, but Aguilar continued to talk over him.

Co-op meeting delayed

by Elva K. Osterreich | May 23, 2013 | Filed under: News

The annual members meeting of the Socorro Electric Cooperative took place May 15 at Finley Gym in Socorro, and the board took many pauses to consult with New Mexico parliamentarian Adam Hathaway.



Elva K. Österreich/El Defensor Chieftain: Charlene West addresses the board at the May 15 Socorro Electric Cooperative annual meeting.

At 3 p.m. after introductions and an opening address by SEC general manager Joseph Herrera, board of trustees president Luis Aquilar said there are 9,528 members of the co-op and 286 are needed for a quorum.

He said 185 mail-in ballots were returned and 396 people voted on site at the poles, thus creating a quorum for the meeting.

During committee reports, trustee Donald Wolberg began a PowerPoint presentation as the bylaw committee report. He began by explaining the electric co-op system and pointed out most of the co-ops in New Mexico have more than five people on their boards.

SEC's members had voted for a five-member board at a previous annual meeting and, while currently there are still seven members, ultimately there will be five as attrition takes out trustees in obsolete positions.

The membership applauded when Wolberg said there are only five members on SEC's board but he went on imply there should be more.

"The problem here is that, with the low number of trustees, is that no member of the SEC board will ever have an influential place on national or regional cooperative board groupings because they can't be there long enough to know what's happening," Wolberg said. "We will never have a significant place at any table."

Wolberg went on to say SEC is bigger than eight states in terms of area, has 41,000 power poles and 3,500 miles of line taken care of by 34 staffers, 10 of whom do the job.

Then Wolberg began addressing bylaw change resolutions introduced and approved by District V members during their district meeting.

He started on the first one to explain why it should not be passed during the next annual meeting.

Wolberg was stopped from the floor by audience member James Lear claiming "point of order."

"It seems to me this should be taken up under new business," Lear said.


Aguilar said it was permitted because it was the secretary's report.

Arf Epstein, from the floor, raised another point of order.

"This is not a report," he said. "This is a partisan discussion about whether certain proposed bylaws should be passed. It is not a report, a report does not say 'this is what you should do for this election.'"

Aguilar again insisted Wolberg was sharing a report.

Trustee Charles Wagner appealed Aguilar's decision to the assembly; his appeal was seconded. But the discussion continued to go back and forth until Georgette Grey stood to talk for a minute.



“A report does not contain editorializing viewpoints,” Grey said. “It is a straightforward, factual statement and does not have any persuasive argument attached to it. If the report can be stated that way, we want to hear it, if not it is not a report.”


Aguilar then asked for a vote.

“All those in favor of sustaining the decision of the chair say ‘Aye,’” he said.

No one said “Aye.” Numerous members cried “No,” when he asked for nos.

Wolberg was not allowed to continue with the presentation.

During the treasurer’s report trustee Leo Cordova said the co-op has \$69,856,681 in total assets; \$69,856,681 in liabilities; \$25,145,810 in revenue; \$23,240,150 total expenses and a net income of \$1,905,651 for the year.




Leo Cordova, Dave Wade and Anne Dorough reported on their district meetings, thanking the members who elected them and saying members are welcome to call them anytime on any concerns they have.

The elections results were read by Ernie Marquez of Election Services. All but three of the 17 resolutions on the ballot failed by approximately 1 to 4 ratio.


Resolutions 3, 5 and 6 passed, also by an approximately 4 to 1 vote. These were the items voted for by member/owners at the 2012 annual meetings.

Resolution 3 makes district meetings annual; Resolution 5 says mail-in ballots will count as part of the quorum; and Resolution 6 says each trustee from each district will appoint one election official to validate the mail-in process and two alternates will be appointed by the board.

When new business was brought up, Aguilar said it was time to bring up the resolutions of District V.



Wagner interrupted saying he had not been allowed to make his district report and Aguilar allowed him to speak.




Wagner said redistricting had been accomplished as the members had wanted, but, the redistricting was done in secret.

He also talked about the process of amending bylaws, claiming the co-op is violating federal law by not allowing the members to change bylaws at the annual meetings at the time the amendments are discussed.

Aguilar announced at this point he believed there was no quorum left at the meeting; he asked the staff for a count. Wagner asked that a third party administrator perform the count. Co-op staff members proceeded to walk among the audience and count the bands on people's wrists indicating votes. The chairman did not ask people to raise their hands so the bands could be seen.


Wagner pointed out the bylaw that had just passed required mail-in ballots to count as part of the quorum.



Aguilar announced the meeting was still in quorum. A discussion continued with members coming up to the microphone with various concerns. A member requested District V resolutions be voted on in totality since everyone had a hand out.

Co-op attorney Lorna Wiggins stood up and said she had been asked to explain a quorum. She said the new bylaw requiring mail-in ballots to count as a quorum does not state that the ballots count as in-person votes and thus there is not a quorum present. She pointed out the District V recommended amendments were not included in the meeting notice and therefore can't be voted on during the meeting.


Wagner pointed out it was the management of the co-op who knew those resolutions should be in the notice of the meeting and they made the decision not to include those bylaws.



An audience member pointed out that there were people at the meeting who were not counted because they were not wearing a wrist band because they had already voted by mail-in ballot.

The parliamentarian described the kinds of motions that could be made without a quorum and one of them is continue the meeting on a later date. Such a motion was made and voted for.

The meeting was adjourned to be re-set on the second Saturday of June and held at the Macey Center at New Mexico Tech if possible.




Co-op annual meeting cut short, Wolberg presentation shut down by members

by Elva Österreich | May 17, 2013 | Filed under: News
Socorro

The annual members meeting of the Socorro Electric Cooperative took place May 15 at Finley Gym in Socorro.

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SEC's members had voted for a five-member board at a previous annual meeting and, while currently there are still seven members, ultimately there will be five as attrition takes out trustees in obsolete positions.

The membership applauded when Wolberg said there are only five members on SEC's board, but he went on to imply there should be more.

"The problem here is that, with the low number of trustees, is that no member of the SEC board will ever have an influential place on national or regional cooperative board groupings because they can't be there long enough to know what's happening," Wolberg said. "We will never have a significant place at any table."



Wolberg went on to say SEC is bigger than eight states in terms of area, and it has 41,000 power poles and 3,500 miles of line.

Then Wolberg began addressing bylaw change resolutions introduced and approved by District V members during their district meeting.

He started on the first one to explain why it should not be passed during the next annual meeting.

Wolberg was stopped from the floor by audience member James Lear claiming "point of order."

"It seems to me this should be taken up under new business," Lear said.

Aguilar said it was permitted because it was the secretary's report.

Arf Epstein, from the floor, raised a point of order.

"This is not a report," he said. "This is a partisan discussion about whether certain proposed bylaws should be passed. It is not a report; a report does not say 'this is what you should do for this election.'"

Aguilar again insisted Wolberg was sharing a report.

Trustee Charles Wagner appealed Aguilar's decision to the assembly; his appeal was seconded. But the discussion continued to go back and forth until Georgette Grey stood to talk for a minute.


"A report does not contain editorializing viewpoints," Grey said. "It is a straightforward, factual statement and does not have any persuasive argument attached to it. If the report can be stated that way, we want to hear it; if not, it is not a report."

Aguilar then asked for a vote.

"All those in favor of sustaining the decision of the chair say 'Aye,'" he said.

No one said "Aye." Numerous members cried "No" when he asked for nos.

Wolberg was not allowed to continue.



During the treasurer's report, trustee Leo Cordova said the co-op has \$69,856,681 in total assets; \$69,856,681 in liabilities; \$25,145,810 in revenue; \$23,240,150 total expenses and a net income of \$1,905,651 for the year.

Leo Cordova, Dave Wade and Anne Dorrough reported on their district meetings, thanking the members who elected them and saying members are welcome to call them anytime on any concerns they have.

After some confusion whether a quorum of members was still present when the new business portion of the agenda came up, co-op attorney Lorna Wiggins declared there was no quorum and there could be no vote on the District V resolutions.

The meeting was adjourned to be re-set on the second Saturday of June and held at the Macey Center at New Mexico Tech if possible.

Continue to watch www.dchieftain.com for more on what happened at the annual meeting.






Co-op investigation finds Wagner at fault

by Elva K. Österreich | May 16, 2013 | Filed under: News

At the March 28 meeting of the Socorro Electric Cooperative Board of Trustees, members heard a report on an investigation of trustee Charlie Wagner.

Having hired Ira Bolnick, an independent investigator, to look into concerns about Wagner's conduct, the board listened to Bolnick's findings. His report is 43 pages long and contains nine exhibits.

The central issue, Bolnick said, is to look at what evidence there is against Wagner alleging he failed in his duties and the responsibilities of a trustee.




Issues Bolnick said he looked at included recordings of board of trustees executive sessions and disclosure of those recordings; unauthorized or inappropriate contact with a vendor; improper claims for payment or expenses as a trustee; possible self interest in asserting claims against the cooperative; and unprofessional or discriminatory conduct toward other individuals in his capacity as a trustee.

Bolnick said he added an issue himself. He noticed Wagner is claiming he is being retaliated against for being a whistleblower and looked into that as well.

Bolnick said he interviewed numerous people and went through numerous various documents while investigating the case.

"I was surprised by how strict the standards are that apply to trustees," Bolnick said. "It is clear, from the law and from policies and procedures, that this is a fiduciary position that is held by all of you (co-op trustees) and that the standards that you have adopted in your policies are really quite strict."



He said it quickly became apparent that Wagner has caused consternation among other trustees and has generated a lot of controversy both among members and in the local press.

"I formed the impression that he may revel in being provocative — not that there is anything wrong with that," Bolnick said. "That itself does not establish any wrongdoing or inappropriate conduct under policy.

"I found Mr. Wagner to be forthcoming ... and personable, and he seems to me that he acted out of a good faith belief that the board of trustees is resistant to reform, and that the changes which he advocates are in the best interest of the co-op."

But, Bolnick said, Wagner's running up against resistance to his positions has resulted in a "my way or the highway attitude," according to former trustee Leroy Anaya, and Wagner has zealously criticized those who disagree with him or who failed to live up to his demands as to how the co-op's business should be conducted.


Bolnick's report concludes Wagner has violated some of the high standards and strict rules imposed by the concept of fiduciary duty and some of the specific policies of the SEC.

Wagner has disparaged other trustees and some staff, Bolnick said. Wagner has backed a counter claim against the co-op and has appeared as a witness for an adverse party against the co-op. Wagner solicited advice and input from a vendor to support reform efforts and disparaged other trustees in the process.

"He disregarded the board's established rules and defied board directives," Bolnick said.

Finally, Bolnick said Wagner failed to promptly handle an overpayment of expenses connected with a conference.

"My lasting impression is of a trustee who has zealously advanced his agenda and has chosen to do battle with those who oppose it or stand in the way of its implementation," Bolnick said. "... A stricter standard applies to those who hold a fiduciary duty, and Mr. Wagner has failed to live up to that standard in the several respects described in this report."




Bolnick went on to detail his investigation, explaining the sources for his conclusions, policy by policy, rule by rule.

“I want to make clear that I was charged with investigating allegations against a certain trustee and it is not my job to expand the scope of that investigation to other things in the past, or in the future, or in the present for that matter,” Bolnick said. “But these standards apply to every member of the board and trustee.”

Bolnick detailed several incidences where he believes Wagner has been in conflict of interest to the standards of the co-op, including times where Wagner should not have voted on items on the board of trustees meeting agenda and the times Wagner taped executive sessions.


“Mr. Wagner clearly has yelled at others and has been not only critical but demeaning, belittling and sarcastic about the conduct and character of other trustees, staff and board council,” Bolnick said, adding the words were not his own but used by others during his investigations.



“That kind of behavior clearly violates the standards of ethics the board of trustees should follow,” he said.

Bolnick also said he could not find any statute that applies to this case in regard to the whistleblower claim.





Socorro Electric Cooperative District 5 bylaw change recommendations

by Elva Österreich | May 9, 2013 | Filed under: News


Article III, Meetings of Members, Section 1. Annual Meeting

Change: Adds the word “regular” in front of annual meeting. And requires a qualified parliamentarian to be selected by the Board of Trustees to preside over the annual meeting with the assistance of the president of the board.

Article III, Section 2. Special Meetings

Change: A special meeting of the members in any district may be called by resolution of the Board of Trustees, or upon written request signed by any two trustees, by the president, or by 6 percent or more of the members.

Article III, Section 3. District Meetings



Change: Makes district meetings annual. The secretary of the co-op and election administrator will prepare the list of members voting in the meeting by the last day of the calendar year.


Article III, Section 4. Special District Meetings

Change: A special meeting of the members in any district may be called by resolution of the Board of Trustees, or upon written request signed by any two trustees, by the president, or by 6 percent or more of the members.

Article III, Section 5. Notice of Members Meetings

Change: Adds annual meetings to the notice requirement.

Article III, Section 6. Quorum at All Meetings



Change: Would allow mail-in votes to count toward a quorum for all meetings. It also would allow electronic votes to count the same as a vote in person. A

quorum, once established, would be deemed to continue until adjournment even if enough members leave during the meeting that less than a quorum is present by the end. The minutes of each meeting shall contain a list of the members by name who voted in person and by mail, which a third party election administrator would verify.

Article III, Section 7. Voting at All Meetings

Change: Questions should be decided by a vote of a majority of the members by mail and other voting methods as permitted by law.

Article III, Section 10. Order of Business at Annual Meetings

Change: 1. Adds “and voting” after the word “registration.” This is the period during which members are recognized as being eligible to vote. 2. Introduction of the qualified parliamentarian by the chairman of the board. 3. Report to determine the existence of a quorum would be by the election administrator on the numbers of members voting in person, by mail and other means. Items 4 and 5 remain the same. Under 6 would be the treasurer’s report of the annual audit and reports of the other officers, trustees and committees. The rest of the order of business is not changed.

Article III, Section 11. Order of Business at District Meetings

Change: Would add “annual” to district meeting designation. No change in 1. 2. Casting of ballot votes for trustees; “ballot” was added. 3. The meeting should be called to order by the trustee representing the district or, if that person is absent, by another designated representative of the board of trustees. The district members would elect a chairman who would not be a trustee and would be a parliamentarian. 4. The report on the number of members who are voting in person, by mail and other means permitted.

Article III, Section 14. Fair Elections

Change: New special resolution would require election administrators to use a system that includes mail-in ballots with postage paid both ways; allows 30 days for the return of ballots; and provides printed instructions, candidate

photos, short autobiographies and the ballot's postage paid return ballot envelope. Also the date, time and place of District III and II members meetings would be decided by a vote of each district's members voting by mail and in person at the 2013 annual members meeting.

Article V, Trustees, Section 1. General Powers

Change: Any proposal by the trustees to change the bylaws would have to be submitted for consideration at a district meeting and, if the district votes in favor with a quorum established, the proposition will be considered by the membership at the next annual members meeting.

Article V, Section 4. Board of Trustee Elections

Change: Requires a candidate for the office of trustee to file a declaration of candidacy 45 days before the date of the district meeting. Ballots would be furnished by an independent elections administrator according to specific guidelines. References to multiple candidates per district would be removed. An independent election administrator, not board-appointed election officials, would supervise elections.

Article V, Section 4, B.1. Voting Members Lists

Change: Declared trustee candidates may receive the list of the district voting members' names and addresses for the proper purpose of campaigning. The declared candidate would sign an affidavit stating the list would not be used or sold for any other purpose. The lists would be returned after the election.

Article V, Section 5. Removal of Trustees

Change: A petition to bring charges against a trustee would require the signatures of 6 percent, rather than 10 percent, of the membership of a district. Refilling a vacancy would be by vote in person or by mail within 90 days.

Article V, Section 7. Compensation

Change: Brings board per diem allowances in compliance with IRS requirements and requires receipts to be submitted within 30 days of the date of the event.

Requires excesses to be returned to the general fund, but allows the balance of expense allowances to be carried over to the next year if they were not used.

Article V, Section 8. Division into Districts

Change: Adds the word “voting” in front of “districts” and requires the co-op’s general manager to report current member populations by district no less than 90 days before an election. It also requires the districts to be similar in population with no more than 10 percent difference. If the population varies more than 10 percent, a five-member district survey committee — one member from each district, none of whom would be incumbent trustees — would be chosen by district members to consider ways of changing the district sizes. It would also allow for selecting a consultant to help with those duties at the co-op’s reasonable expense.

Article VI, Meetings of Trustees, Section 1. Regular Meetings

Change: Regular meetings of the trustees would rotate among the five co-op districts at the time and place that each district’s trustee designates. Also, attached to the minutes should be a copy of statements made and questions asked by members at trustee meetings; issues would be put on the next agenda to be addressed.

Article VII, Section 4. President

Change: Adds requirements for the board president to be qualified, including the ability to skillfully use parliamentary procedure and Robert’s Rules of Order, or hire a qualified parliamentarian to assist at meetings until the president masters the use of those rules.

Article VII, Section 5. Vice President

Change: Would require the vice president of the board to be adequately familiar with parliamentary procedure and Roberts Rules of order.

Article VII, Section 6, Secretary

Change: Would require the secretary of the board to have mastered the bylaw provisions and the New Mexico Open Meetings Act as it applies to meetings of the Board of Trustees.

Article VII

Change: Adds a section called Section 9. Attorney. Provides for the trustees to appoint an attorney to represent the interest of the co-op for the benefit of the membership. The attorney would assure bylaws are in compliance with all laws and be authorized to sue trustees on behalf of the corporation to achieve compliance with the bylaws. The attorney would be available to assist district members.

Article VIII, Section 8. Donations

Change: Makes the no donation rule stronger by stating there will be no donation for any reason except for donations for student scholarships through the Socorro Electric Cooperative Foundation.

Article XIII, Amendments

Change: Says the bylaws can be changed by the members at any regular annual meeting or special meeting called for that purpose with a quorum present. And repeals a section that says a proposal to change the bylaws can be incorporated in a notice only if the proposal is approved by a majority vote by the Board of Trustees, by majority of members at a meeting or by petition signed by 10 percent of the members of each of the districts.

ENERGY ALTERNATIVES: SEC keeps eye on new options

By Elva K. Österreich
El Defensor Chieftain Editor
eosterreich@eldefensornm.com

Socorro Electric Cooperative board members and staff make a point of watching for opportunities to develop renewable energy sources, according to SEC manager Joseph Herrera.

Renewable energy sources of interest include large scale photovoltaic, multi-unit wind energy and geothermal energy.

One possibility currently being considered is a wind farm in the Tierra Grande area. Herrera said the co-op has entered a feasibility study agreement with a landowner interested in using his 500 acres as a wind farm.

Another project the co-op is looking at is a pilot program for solar water heaters.

"We are currently working on how to finance the program and looking at what is involved in the heaters themselves," Herrera said.

The board's alternative energy committee is very active, he said. They are

looking at possibly creating a solar energy plant in Socorro in partnership with other cooperatives in the state.

The committee also is talking with the Socorro City Council about a possible natural gas facility.

According to the SEC website, the low price, abundance and easy availability of natural gas make consideration of a combined cycle electrical generation facility worth consideration. Natural gas fueled facilities are also in place in various parts of New Mexico.

"When a renewable energy source goes off for some reason, you need a backup," Herrera said.

The co-op gets about two applications a week from home and business owners interested in installing solar voltaic panels, he said. Currently there are 36 solar panel systems online in the co-op area. Three of the systems are larger than 10 kilowatts.

One product the co-op has available for its customers to purchase is an electric thermal storage system. With ETS, off-

SEC works with EnergyStar to offer rebates

EnergyStar is a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy helping everyone save money and protect the environment through energy efficient products and practices.

Energy efficient choices can save families about a third on their energy bill with similar savings of greenhouse gas emissions, without sacrificing features, style or comfort. EnergyStar helps consumers make the energy efficient choice.

Tri-State, partnered with Socorro Electric Cooperative, offers a \$40 rebate on a new EnergyStar rated refrigerator, freezer or clothes washer and a \$30 rebate on a new dishwasher. Mail in or hand deliver the receipt and yellow energy guide tag to SEC in order to submit a rebate request.

The office is located at 215 Manzanaras Ave., P.O. Box H, Socorro, NM 87801.

peak electricity is converted to heat and the heat can be stored to use during more costly electric use hours because power is cheaper when demand is low. The co-op offers reduced rates on electricity consumed during off-peak times, from 9 p.m. to 6 a.m.

An ETS system contains electric heating elements that lie within special, high-density ceramic bricks. These bricks can

store vast amounts of heat for extended periods of time.

Consumers should be careful with these products because if they forget to turn them off, or turn them on again during the day, the energy savings declines, Herrera said.

Other products the co-op has to offer are CFL light bulbs and energy efficient water heaters, Herrera said.

Woman asks city to refuse gym rental

by Laura London | April 4, 2013 | Filed under: News

A member/owner of the Socorro Electric Cooperative urged the Socorro City Council not to cooperate with the SEC board of trustees in the board's efforts to reschedule the SEC's annual members meeting from a Saturday to a Wednesday.

The annual SEC members meeting had been scheduled for May 18, a Saturday. The SEC board of trustees, during its meeting March 28, changed the members meeting to Wednesday, May 15.

Marie Watkins addressed the City Council during the public forum of the council's regular meeting Monday. She said member/owners prefer the annual members meeting be held at the Macey Center on the New Mexico Tech campus, where there is plenty of parking and seating for a big crowd, but the SEC board decided to hold the meeting at Finley Gym. Members adjusted to that, she said, but now the board has changed the meeting to a Wednesday afternoon when many people have to work.

"That disenfranchises a majority of your people," Watkins said.

Watkins explained most member/owners of the electric co-op live within Socorro's city limits.

"They're people that you want to take care of," Watkins said, "and provide them with a way to be heard, to vote, to participate.

"And I presume they still haven't gotten a contract for (May) 15th. But maybe it's not a good idea, if you want your people to be able to be represented."

Watkins said in order for the member/owners to enact change, the SEC must have a fair way to conduct meetings.

Councilor Donald Monette, who chaired the city meeting in Mayor Ravi Bhasker's absence, noted the SEC meeting process is not decided at Socorro City Council meetings.

“Yes, but you can decide whether to rent to them or not,” Watkins said.

Watkins said she understands it is nice for the city to have income from renting its gym, but the SEC board is “abusing the process” by scheduling its annual members meeting on a Wednesday afternoon when so many members are unable to get away from work to attend.

Monette pointed out that if the city declined to rent the gym on a Wednesday, it would not stop the SEC board from renting Macey Center.

“There’s not a lot we can control, is my point,” Monette said.

Watkins said it would be helpful if the city would say the gym is available on Saturday when a lot more people could attend.

City Clerk Pat Salome said the city currently has a verbal agreement to allow the SEC to use Finley Gym on May 18. Salome was only told Monday the board of trustees may be looking at changing the date, but he had nothing official from the co-op regarding such a change. He did not know if the gym had anything else scheduled for May 15.

“It’s our duty to make public facilities open to the public,” Salome said. “In this case, I believe you’re taking the opportunity to get the word out that that’s happening.”

Watkins urged city councilors to do whatever they can to ensure their constituents have a voice in how business is conducted at their electric co-op.

In other business, the Socorro City Council:

- Held a public hearing to gather input on the city’s prospective sale of land in its industrial park to A-1 Quality Redi-Mix. Salome said the property is about 20 acres to be sold for \$209,500, and A-1 has occupied the property for about 35 years already. No members of the public aside from council members shared any comments about the sale. The council approved the ordinance for second publication, meaning the city will now republish the ordinance and give the public 45 days to comment before the sale is final.

- Approved a request to deed a strip of unusable city property to the neighboring property owner. The strip had been deeded to the city by a previous owner who didn't want to own the ravine there.
- Approved — for publication only — changes proposed in the appeals process for the city's Police Oversight Commission. The proposed changes will be published, then the city will hold a public hearing about the changes at the council's next meeting.
- Approved two in-house budget resolutions to clean up line items in the city's budget.
- Announced the council's next meeting is at 6 p.m. April 15.

Co-op meeting redux

by Elva K. Osterreich | January 9, 2013 | Filed under: News

During the Dec. 28 meeting of the Socorro Electric Cooperative, trustees voted to resubmit all the previously proposed resolutions to the 2013 annual meeting, that failed to pass during the 2012 meeting.

The suggestion to bring the resolutions to the meeting was made by the co-op's bylaw committee, as was an additional resolution to increase a quorum of the membership to 5 percent where currently a quorum consists of 3 percent of the membership.

Trustee Prescilla Mauldin asked why the committee felt like it needs to raise the quorum to 5 percent.

Trustee Donald Wolberg said it is difficult to see where democracy is served if only three out of 100 people can determine what is right for everybody. He added that 5 percent is not that much better, but it is almost twice as good.

Wolberg suggested that certain groups that don't represent the whole membership could be "falsely manipulating a miniscule quorum size."

In a vote to accept the bylaw committee's suggestions, the trustees voted in favor of the recommendations with trustees Charlie Wagner and Mauldin both voting "no."

The bylaws recommended by the trustees at last year's meeting, which will be added to this year's annual meeting agenda, include an increase in the size of the board (still in the process of being reduced to five members) to seven members, with two additional members elected to at-large positions at the annual meeting; raising the cap of trustee compensation to no more than 1 percent of revenues; and allowing the board to make financial and in-kind contributions to nonprofit corporations within the co-op's service area where appropriate.

Other resolutions include amendments that revise or correct terminology to existing bylaws to clarify language; revisions that would substantially change bylaws and a few new bylaws.

As happened last year, a contingent of member-owners of Socorro Electric are opposed to the changes, which they say will effectively undo what members voted for in 2010 when a bevy of reform-related resolutions were passed by overwhelming margins. Trustees argued some of those new bylaws are too restrictive and the board cannot operate effectively and in the best interest of members unless they are changed.

During the District 5 meeting, held Oct. 27, 2012, member-owners voted to bring several more resolutions to the table at the annual meeting.

Among those District 5 resolutions are revisions to bylaws involving member meetings, trustees, trustee meetings, officers, donations and compensation for trustees.

Trustee David Wade attended the District 5 meeting and expressed some concern over the proposed changes to the bylaws. Some of the proposed changes will cost more to the co-op, Wade said. In particular he said the proposal for every district to hold an annual meeting would be costly.

"I just want you all to think," Wade said. "It sounds good. It's well and good, but it might not be too good down the line when we're stuck with all these things."




Co-op meeting doesn't happen

by Elva Österreich | March 2, 2013 | Filed under: News

The Socorro Electric Cooperative meeting that was supposed to happen on Tuesday didn't.


Board members Charlie Wagner and Anne Dorough, as well as board President Luis Aguilar, sat at the meeting table waiting for the remaining board members to show up. When the three board members and co-op manager Joseph Herrera were the only ones sitting there at the 5:30 p.m. meeting time, Wagner suggested waiting another 10 minutes to see if someone would come in so a quorum could be established.



In that 10 minutes, trustees David Wade, Prescilla Mauldin, Leo Cordova and Don Wolberg did not come in. Also conspicuously absent from the table was the presence of an attorney from the co-op's representative law firm, Wiggins, Williams and Wiggins.

Wagner spent the 10 minutes waiting explaining to Aguilar that the reorganizational board meeting held Jan. 2 was not legal because proper notice was not given to the public that the meeting was going to take place, and thus the board organization — i.e., Aguilar's presidency and the other board positions — is not valid. Wagner also said that the three bylaw committee meetings held between the regular January board meeting and Feb. 26 were also illegal because they were attended by a quorum of the board and no notice was given to the public at all regarding those meetings.

When no quorum was established, Tuesday's meeting failed to convene. The date and time of 5:30 p.m. March 28 was established for the next board meeting by the three board members present.





Co-op argues over time

by Elva Österreich | January 26, 2013 | Filed under: News


After some debate, the Socorro Electric Cooperative trustees voted to hold this year's annual meeting on May 18, with registration beginning at 1 p.m.

Trustee Leo Cordova initially moved to set the meeting for 5 p.m. May 15 and was seconded by Don Wolberg.

District 5 Trustee Anne Dorough said having the annual meeting at 5 in the afternoon will put a real burden on the people of District 5.

Trustee Charlie Wagner spoke up in support of Dorough's point.

"As you know, District 5 starts at the county line and goes to the Arizona state line," Wagner said. "That makes for a trip in excess of 150 miles for some people."




"I recognize that this motion is being made to discourage those people from participating because they did, in their district meeting, propose many changes to the bylaws."

Wagner also said the proposed time is in violation of Section 501(c)(3) of the Internal Revenue Code because the co-op is supposed to be democratically controlled by the members.

Trustee Precilla Maulden asked if the date proposed was a Saturday and was told it was a Wednesday.

"We all work, we can't be here at 5 o'clock," Maulden said, and asked if the motion could be amended to have the meeting on Saturday.

Trustee David Wade suggested everyone could take off an hour early from work and Maulden said she already takes off enough time as it is.



Board Chairman Luis Aguilar asked for the board members to keep some decorum in the proceedings.

“We have always held annual members meetings on Saturday,” Wagner said. “That makes a lot of sense to me because if you want a good turn out of the people who own this co-op, then I think that we have to stick to the Saturday part.”

Maulden said she would like to amend the motion in order to have registration at 1 p.m. Saturday, May 18, for voting and then the meeting can start at 5.

Dorough seconded the motion.

Wade said his district, District 4, meeting was held on a Saturday and it wasn't very good for the people of the district. He said 42 people told him they missed the meeting because they were at the Albuquerque balloon fiesta.

“Saturday is a bad day,” he said. “A lot of people told me so.”

He said his district will not meet on Saturdays anymore.

Three trustees, Wagner, Dorough and Maulden, voted for the amendment to have the meeting on Saturday. Three trustees, Wade, Cordova and Wolberg, voted against, leaving the chairman with a tie-breaker vote.

“We have a tie and I have a good feeling we would do better Saturday, May 18,” Aguilar said. “So I will vote we have it May the 18.”

Registration at the annual meeting will open at 1 p.m. Saturday, May 18, at the Finley Gym in Socorro.

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Co-op hires investigator

by Elva Osterreich | December 29, 2012 | Filed under: News

At the Thursday Socorro Electric Cooperative Trustee meeting, trustees voted to hire Ira Bolnick, an Albuquerque attorney, as investigator to look into an email.

Trustee Charles Wagner had communicated with an independent contractor, Ryan O'Connor with Survey and Ballot Systems, by email to ask a question about the process of the co-op's district elections. The email asks for suggestions as to how to write a resolution in the bylaws that will cause mail-in ballots to be sent to all district members with at least 21 days minimum for postage prepaid for the return of the ballots.




During the November board meeting, board vice president David Wade asked Wagner several questions in regard to the email, implying Wagner had done something ethically compromising by sending it. Co-op attorney Lorna Wiggins suggested hiring an independent counsel to investigate the email and possibly more about Wagner. She said Bolnick has said he could look into the matter and report back on it during the January meeting.

Wiggins brought the name of Bolnick to Wednesday's meeting and the board voted to hire him as the investigator, with Wagner voting nay.

During discussion Wagner asked what the investigator would find out. Board President Paul Bustamonte said he thinks Wagner already knows the answer.

"We will be investigating actions you took upon yourself without letting anybody else know," Bustamonte said.

"How is the investigator going to do anything if you have already told him those conclusions?" Wagner wanted to know. "How are you going to investigate if you already made a decision?"



Trustee Donald Wolberg said the investigator would be looking into "the egregious behavior of promising contracts to a vendor which borders on the most bizarre behavior most boards would encounter anywhere."

“Let him (Bolnick) do the work and report back,” Wolberg said.

“My conclusion is you are retaliating against me for whistleblowing,” Wagner said to the board.

Bustamonte denied the investigation to be any kind of retaliation and the board passed the vote to hire Bolnick.

The next action of the board was to certify the results of the co-op District 5 election. The District 5 election was won by Anne Dorough who will begin her job as trustee as of Jan. 1.

The board also voted to approve a \$250 donation to Adam Paz, a high school student headed to Australia in the spring for track and field games.

Also on the agenda was an item to intervene on a Tri-State three co-op protest. Three other New Mexico electric co-ops have filed protests against a rate increase plan Tri-State had planned on implementing. Tri-State is the electric supplier managing all the New Mexico electric co-ops.

The three protests were enough for the state Public Regulation Commission to suspend the proposed rate changes as of Dec. 20, but the Socorro co-op has an interest in being present during rate change discussions in the future; therefore the trustees voted to intervene even though they have not decided if they want to support the protests or support TriState in upcoming discussions.

“We are not going to be pro Tri-State or against Tri-State,” said co-op manager Joseph Herrera. “We just want a seat at the table to see what’s occurring and how it’s going to impact Socorro Electric.”

The board voted in favor of intervening.

Three board members are retiring from the board Dec. 31, their terms expiring. Paul Bustamonte of District 1, Leroy Anaya and Milton Ulibarri. A reorganization-of-the-board meeting will be held at 9 a.m., Jan. 2.




Judge orders co-op to release addresses

by Elva K. Osterreich | December 19, 2012 | Filed under: News

A judge ordered Socorro Electric Cooperative to release the addresses of co-op members to Charlene West during a hearing last week.

The other items presented in a writ of mandamus request was not granted. Co-op trustee Charles Wagner will not be allowed access to board executive sessions.


A writ of mandamus is an order issued from a court of superior jurisdiction to perform a particular act that is required by law as an obligation. During the Dec. 13 hearing, in front of 7th Judicial District Judge Matthew Reynolds, the petitioners, West, Carol Pittman and Sara Robinson, were represented by attorney Lee DesChamps.



One of the petitioners' concerns was for the people in Wagner's co-op district, District 2. The writ request was to allow Wagner access to various board activities he is not currently allowed to be a part of and therefore it says he is not able to represent his district properly. DesChamps said Wagner is being deprived of access to executive sessions, board committees, committee membership, books and records, and communicating with vendors.

The electric co-op claims Wagner secretly recorded confidential executive session discussion by the other trustees and released it to members of the SEC Reform Group. The co-op maintains that action was against the trustees' code of ethics and thus the censure against Wagner's participation in executive sessions and board committees.

Reynolds denied the section of the writ ordering Wagner access because Wagner would have to be a party in the case and was not listed as a petitioner. The judge dismissed that issue without prejudice, meaning it can be revisited in the future.



After determining West had proper purpose for requesting the names and addresses of her fellow co-op member-owners, the opposing counsels tossed around various laws, ordinances and bylaws in trying to prove she has, or has not, the right to the addresses of the other member-owners.

DesChamps, in the writ, uses a New Mexico statute that states “each corporation shall keep at its registered office or principal office in New Mexico a record of the names and addresses of its members entitled to vote. All books and records of a corporation may be inspected by any member, or his agent or attorney, for any proper purpose at any reasonable time.”

According to the writ, West’s proper purpose in seeking access to the addresses is “to exercise her constitutional rights of free speech and free association with the other members of SEC for the purpose of improving the management and administration of the Co-op and the services which it provides.”

In other words, West wanted to let fellow member-owners know about upcoming meetings, elections and issues relating to co-op business.

Patricia Williams, co-op attorney, said the law is unspecific and would be trumped by the specific. She said it is clear co-ops are governed by bylaws. The co-ops bylaws say the addresses will not be released.

“The cooperative has a special duty to its members,” Williams said.

She maintained the relationship of a rural electric co-op with its members is different than other nonprofits, such as the Animal Humane Association.

“But it’s still under the corporate act,” Reynolds said.

“The statutes deal with structures,” DesChamps said. “The structure is the same. By counsel’s account, they could say, ‘We don’t need to keep books and records.’”

The co-op attorneys, Williams and Lorna Wiggins, brought up how important it is to maintain privacy for the members because, unlike the Animal Humane Association, members don’t have a choice. If they want electric service, they have to use the co-op unless they go off the grid.

“So aren’t you saying members have less rights?” the judge asked. “Wouldn’t it be a greater responsibility to let members communicate with one another?”

DesChamps used the example of a recent mailer sent out to members by the co-op trustees and manager as the “degree to which the co-op is obfuscating the ability of its members to communicate.”

The mailer requests member-owners return a postcard if “you want us to release your mailing address to anyone who requests it.”

Out of 10,000 mailers sent out, only 49 of them were returned. And some of those returned threatened litigation if the co-op releases their addresses.

The judge wanted to address the issue of a new co-op bylaw, voted for by the member-owners in April of 2010 that directs the co-op to voluntarily abide by the rules of the Inspection of Public Records Act and New Mexico Open Meetings Act.

DesChamps called Wagner as a witness to testify about the intent of the new bylaw which was drafted by Wagner before the members voted on it.

“The bylaw was drafted because the co-op would not give out information and many things in board meetings were being kept confidential from the members, such as how much the trustees got,” Wagner said. “The intent was to put members in the same place as tax-payers.”

Wagner went on to talk about the need for the co-op to have democratic control through its members and the need to have access to residents’ addresses to verify their right to vote in co-op district elections.

“One thing coming up is — were the people who voted entitled to vote in the district?” Wagner said. “Membership is based on physical address. I know of at least one person who voted whose district was not there.”

Reynolds found that the intent of the Nonprofit Corporation Act is frustrated if a small percentage of members show up at a meeting to vote and the majority of the members are not represented. While the issue is not directly covered

under the act, the intent is to allow the members initiative. Thus, he found in favor of West in regard to the request for addresses.

“My ruling is based on the books and records being open,” Reynolds said. “It is based on the amendment to bylaw. The mechanism of IPRA doesn’t apply.”

He ordered the co-op to release the addresses and names to West for proper purposes.

Co-op board listens to comment, donation requests

by Elva Osterreich | December 5, 2012 | Filed under: News

Herbert Myers, a member-owner in Socorro Electric Cooperative's District 3, spoke during the public comment section of the Nov. 28 board meeting. He read out a story from the New Mexico Electric Cooperative's joint publication, Enchantment.

The article, a story by Keven Groenewold, executive vice president of the New Mexico Rural Cooperative Association, talks about how cooperatives are as accountable as any government agencies to the people that they serve and says the trustees have a duty to follow through on the wishes of those who elected them.

"We in Socorro seem to be the exception," Myers said when he was done reading. "This board seems to have an iron fisted grip."

Acting Board Chairman David Wade gave Myers a little extra time to speak after his allotted two minutes expired. Then Charlene West said she wanted to speak and turned her two minutes over to Myers, but Wade said that was not allowed.

"Those of us cursed with sincerity expect you to do a better job," Myers said as he sat down.

Also during the meeting, Socorro High School student and athlete Adam Paz requested a donation to help him go to Australia for a track and field event. In June, Paz is traveling to compete in the triple-jump competition in the Down Under Games.

"Can you sponsor me?" Paz asked the trustees and his mother, Michelle Paz, added Adam's family and friends have managed to raise \$2,500 of the \$5,000 goal to get him to the Australian event through various fundraisers, such as a car wash and enchilada dinner.

The board said they would see what they could do for the cause and, since there is still time, vote on it in the December meeting. Trustee Don Walburg

added he urges everyone to donate personally as well, as Adam's cause is a good one. Wade offered to match any donations made by the audience that same day.

Co-op manager Joseph Herrera told the board the city of Socorro was requesting the donation of a bucket truck and two personnel to put up Christmas lights around the city and then to remove them again once the season is over. Co-op attorney Lorna Wiggins added the donation to the city would not be a problem since the city is not a civic organization, which would be forbidden by the bylaws of the co-op.

The board approved the Christmas light donation.

During the manager's report to the board, Herrera reported the co-op assets as \$8,400,595.

He also reported that out of 10,000 mailers sent out to member-owners including a post card for members to return if they are OK with the co-op releasing personal information to "anyone," 49 postcards were returned to the co-op.

"I think as manager of this co-op I have the authorization to do this (approve sending the postcards)," Herrera said.

Trustee Charles Wagner said he thinks the whole thing was a waste of almost \$7,000 of the members' money to send out the mailers.

Herrera reported there was one major power outage during the month in Catron County because a power substation in Arizona went down and the power had to be redirected through Magdalena. The people in the area of the outage were out of power for about 10 hours.




Wade questions Wagner

by Elva Osterreich | December 1, 2012 | Filed under: News

The Wednesday Socorro Electric Cooperative meeting took on elements of a court case as acting board chairman David Wade played inquisitor by shooting questions at board member Charlie Wagner designed to imply Wagner had done something improper subsequent to the Co-op's District V election.

As soon as the board went into its 5:30 p.m. session, the contention began. As the first thing on the agenda, approving the agenda, was addressed, Wagner protested an agenda item was missing. He said there should be an action item listed to allow Anne Dorough, who won the District V election, to take her seat on the board before Jan. 1 so the people of her district would be fairly represented since they currently have no representation.

Wade said that couldn't be done as the election hadn't even been certified yet.




The vote to approve the agenda passed with Wagner opposing the motion.

In another action item on the agenda, the co-op's District V election, held in October, was to be certified.


"Next we need to certify and report on the District V elections," Wade said. "But first, I'm going to ask Mr. Wagner a few questions."

Wade's first question was: "Did you in your capacity as a trustee contact the co-op's vendor, Election Services, without disclosing it to the manager or the president of the board?"

"Point of order Mr. Chairman, it's not on the agenda, sir," Wagner replied, and refused to answer the question.



After Wade pushed Wagner further to answer the question and Wagner repeated his comment, adding that Wade was out of order, Wade said they need to certify the election and if Wagner didn't cooperate, they couldn't. Wade repeated the question another time.




The people in the audience were talking quietly among themselves as they discussed what was happening, and board member Don Walberg suggested if they couldn't be quiet they should be thrown out.

Wagner suggested the questions be written out and placed on the next agenda.

Wade continued asking questions, implying more and more serious charges as he went along. Each time Wagner refused to respond, Wade would make comments in an attempt to get Wagner to answer, such as, "You do hear me don't you? You understand what I am saying?"

There were 11 questions, the last one being: "Are you aware that trustees are not to receive any personal benefit from any co-op member?"

Wolberg read a line from an email allegedly sent from Wagner to the election services vendor, "Want to make sure your firm gets the job again for the District 2 and 3 elections in 2013," Wolberg read.



But even the alleged email, provided by board members, attributes the suggestion to the Reform Committee, not to Wagner, as Wolberg implied.


"There are egregious violations of self-dealing and policy," Wolberg said and called Wagner an anathema to all the co-ops in the state.

Co-op attorney Lorna Wiggins suggested the board hire independent counsel to look into allegations against Wagner.

"Go ahead and make up all the stuff you want to," Wagner said. "I'll listen."

Wiggins recommended a motion for an independent lawyer to be hired to investigate allegations against Wagner.

Wolberg made a motion to hire appropriate independent counsel to investigate the issues involving Wagner, but Wiggins suggested a different wording for the motion and Wolberg amended his motion to Wiggins' suggested wording.



"The motion is to authorize me to make a suggestion and bring it back to the board in the December meeting," Wiggins said.

The board passed the motion with everyone voting "aye" except Wagner who voted "nay."

Wagner requested a roll call vote, which Wade denied until Wagner pointed out that according to Robert's Rules of Order, if a roll call is requested by a board member, it has to be done.

"To show I'm a better man than you are, OK," Wade replied.

After the vote, Wade said he is going to hold off on making the election certification until the meeting in December. There was no vote held to table the action and no vote on the certification of the elections.




Wade wins by three votes

by Staff | October 10, 2012 | Filed under: News

In the District IV Socorro Electric Cooperative election, held Saturday at San Antonio Elementary School, David Wade, trustee incumbent, won the trustee seat against opponent Gayl Dorr by three votes.

After the votes were tallied, including 47 mail-in votes, Wade came in with 122 votes and Dorr received 119. One-hundred-ninety-six people were on hand to vote Saturday.


During the afternoon meeting held at San Antonio Elementary School Saturday, registration and voting was closed at 5 p.m. to begin the proceedings and count the votes. The meeting was called to order by Wade, as the current district trustee. The first tense moments occurred as a chairman was elected by a hand count vote.




Dennis Harris was declared the winner over William Bottorf. Harris chose Eileen Latasa as the secretary for the proceedings.

The candidates were introduced, but Dorr was not present at the meeting because it was announced she had a family matter to take care of. After the co-op trustees, general manager and employees were introduced, the number of members registered at the meeting was announced in order to determine the existence of a quorum. With 196 people registered at the meeting, the requirement of 58 for a quorum was easily met.

The reading of the notice of the meeting and proof of publication was waived by a vote, but the members did not waive the reading of the minutes from the last meeting for the district that took place on Oct. 3, 2008. In 2008, Wade won the vote by 104 to 50.



Next on the agenda was a report of the trustees of the district which, Wade said, he would not give since his opponent was not present to give hers.




When the election results were announced there were both cheers and heckles from the audience, some voices raised asking for a recount.

The 47 mail-in votes were recounted and there were no changes in the overall balance.

"You folks got what you wanted," Wade said. "You folks asked for this. You paid 20,000 dollars of co-op money to get outside vote counting."

Wade then called for a motion to accept the results of the vote. After a hand-count failed through confusion, voters were asked to stand up to either approve or reject the motion to accept the results. When vote counters again were unable to get accurate counts with that method, the chairman said it was too confusing and the vote had been made anyway.

During a comment period one woman stood up to say, "I did notice there were people voting (for the motion to accept the vote) without stamps on their hands."




Registered voting co-op members had been stamped upon registration.

Then Wade began reading the tickets for the door prizes the co-op had provided for the event and distributing the prizes, some in cash.

Wade's office as trustee begins again on Jan. 1, 2013, for the next four-year term.

This is the first election since the co-op redistricting took place April 17 during the annual co-op members meeting. During redistricting District IV went from around 600 people to around 2,000 people.



Dorough wins District V co-op seat

by Jonathan Miller | October 31, 2012 | Filed under: News

In the Socorro Electric Cooperative District V election held Saturday at Datil Elementary School, Anna Dorough won the trustee seat by defeating Buster Green by a margin of 12 votes, 60 to 48. The vote count included mail-in ballots as well as votes cast at the voting site.

Dorough, a 67-year-old retired computer programmer and analyst, thanked everyone involved in the voting process when she addressed the crowd, even those who didn't vote for her. In the Oct. 20 edition of *The Chieftain* she wrote in her candidate questionnaire that "the board of trustees needs to make a concerted effort to set aside their differences and work together for the benefit of the members and the cooperative as a whole."

The meeting, which did manage to just achieve quorum, also addressed a number of suggested amendments to the district bylaws, including ensuring proper parliamentary procedures during district meetings, ensuring fair voting practices, and specifying when and how often the district meeting should take place.

In regard to ensuring proper parliamentary process, or abiding by Robert's Rules of Order, the amendment to the bylaws in question was intended to make sure the district had a state certified parliamentarian present at meetings. Dorough pointed out the state only had five total certified parliamentarians, so the amendment was amended to include that a certified parliamentarian didn't necessarily need to be a member of the National Association of Parliamentarians.

The district also took steps to ensure the bylaws provided fair voting procedures, including clear and accurate information on mail-in ballots.

During the meeting, the district also voted to hold official district meetings on an annual basis as opposed to the current semi-annual basis, and that meeting

should continue to be held anytime from the beginning of April to the end of May.

Dorough will begin to serve her four-year term on the co-op Board of Trustees on Jan. 1, 2013.

Hearing waylaid

by Elva Österreich | October 24, 2012 | Filed under: News

A hearing to determine if Socorro Electric Cooperative will need to release more than just the names of its members to interested parties ended abruptly on Oct. 11 when the judge asked the attorney for petitioners Charlene West, Carol Pittman and Sara Robinson to rewrite a writ of mandamus.

The issue is whether co-op members who are running for office can ask for fellow district members' names and addresses. Several candidates for district trustee seats had requested the information and the co-op provided them with only names, no addresses.

The hearing started out with Seventh Judicial District Judge Matthew Reynolds saying he had no jurisdiction to make a decision on the writ. But he agreed to listen to arguments from both petitioners and the co-op.

After spending a significant amount of bantering time, the attorneys were able to show Reynolds a precedent setting case which allowed him to have jurisdiction over the decision.

Lee DesChamps, the attorney working with the complainants, had found a state statute, part of the Public Utilities Act, saying people have the right to request that information and receive it as long as they have a "proper purpose" for doing so.

Co-op attorney Lorna Wiggins said the co-op, in its bylaws written in 1985, has the right to refuse to give out personal information, such as addresses and social security numbers, to anyone. She said it is a right to privacy issue.

"Are you saying policy overrides state statute?" Reynolds asked her.

Wiggins said the people requesting the information have to also state their proper purpose before receiving anything. When they did so they received the names of the co-op members, but learned that there is no proper purpose that overrides the privacy of the members to allow the addresses to be released.

She gave the example of the 9/11 Commission having asked the co-op to release the addresses and the co-op refusing to do so.

"Even for national security?" the judge asked.

"No," she said.

Reynolds, after looking up the state law and reading it, said he thinks the burden is on the corporation to show that there is no proper purpose, not on the petitioner to show that there is.

Also, after being shown the co-op bylaw, he noted that the policy they were using to deny access to information comes under a heading of credit information.

"It seems like that was more to protect members from credit companies," Reynolds said.

Finally, co-op attorneys brought in case precedent that determined a writ must include everything it is asking for and not rely on other documents.

The judge agreed and directed DesChamps to resubmit the writ for consideration.

The consideration of the writ has not been rescheduled yet.





Cordova wins District I

by Staff | October 17, 2012 | Filed under: News

Socorro Electric Cooperation trustee Leo Cordova won the Saturday District I election held at La Promesa School Cafeteria in Las Nutrias.

Cordova received 118 total votes while his opponent, James Bockenstette, received 56. Both mail-in and meeting registered ballots were counted. Cordova has been a trustee since 2005.

“I want to thank everyone who voted and I thought it went very well,” Cordova said. “Thank all the people from Polvadera and other areas who drove all the way to vote. We had a good turn out.”



Reform group trying to help SEC member/owners understand vote

by Staff | September 29, 2012 | Filed under: Opinion

Judging by the many questions concerning the upcoming trustee elections in Districts 1, 4 and 5, the SEC is not getting enough information to the members. The SEC Reform Group is answering these questions and filling in the blanks.

Registration: The term, "registration," in all of the newspaper notices means "voting." The motions at the June 27, 2012 SEC Board of Trustees Meeting all used the word, "voting" in setting the dates and times of the district meetings and elections. Calling this time period solely "Registration" omits the reason for registering — voting. Members go the place of the district meeting, sign their names, get their bracelets which shows that they have the right to vote in the election and on business in the later business meeting. They then go over to the voting machines and vote. Think vote when you see the word, registration!

Vote by mail: The members passed an amendment to the SEC bylaws stating that voting by mail would count as part of the meeting quorum. Attend the meeting if at all possible to cast your vote and sit in on the business meeting so that your voice will be heard and you will be part of the quorum. If you cannot attend, do vote by mail as your vote will count in the election even though it will not count as part of the quorum. This vote will also count as a part of the decision in the court ruling even at a later date.

What is my district: Go to www.socorroelectric.com, type in your street address, city and state. If you do not have a computer, call the SEC at 835-0560.

Business meeting: A quorum must be present for the business meeting which usually starts about 3 hours after voting begins. (See below for individual District hours.) For example, District 4 begins registration/voting at 2 p.m. with the business meeting starting at 5 p.m. Article III, Section 3. Special District Meetings. States, "The District Meeting by a trustee representing such district, or another designated representative of the Board of Trustees or ... by a member residing within such district. Thereupon, the members of said District

shall proceed to elect a chairman of the meeting, who shall not be a trustee, and the chairman ... shall then appoint a secretary for such a meeting."

Members might wish to consider who they would want to chair their district's meeting and what issues they wish to raise. Members can raise issues and present bylaw amendments for discussion and vote at the new business section of the district meeting section reserved for new business.

District 4: Takes place Oct. 6, at the San Antonio School Cafeteria. Voting (what the SEC only refers to as "registration") starts at 2 p.m. Voting ends at 5 p.m. when the business meeting starts. A quorum must be present at the business meeting for any action to be presented by the members.

District 1: Oct. 13, La Promesa School Cafeteria, Las Nutrias. Voting from 1 p.m. to 4 p.m. Business meeting begins at 4 p.m.

District 5: Oct. 27, Datil Elementary Gym, Datil. Voting from 1 p.m. to 4 p.m. Business meeting begins at 4 p.m.

Hope this information helps.

Electric rates could jump in January

by Elva K. Osterreich | September 5, 2012 | Filed under: News

During last week's Socorro County Electric Co-op trustee meeting, trustees discussed protesting an upcoming Tri-State Electric rate increase.

The Tri-State Generation and Transmission Association is a wholesale electric power supplier owned by the 44 electric cooperatives it serves.

Socorro County Electric Co-op manager said, during the meeting, Tri-State's rates will increase by 5.9 percent, which translates to about \$4 per user beginning in January. Plus Socorro may see an additional 1.5 percent rate increase generated by Tri-State's new rate design system bringing a total 7.4 percent increase to Socorro County customers.

Trustee Donald Wolberg said Tri-State may have made some significant errors when it redesigned the rate design. Herrera agreed and said the co-op can protest the rate increase. Wolberg suggested talking with some of the electric cooperatives which have decided to protest the increase.

In other business, during the meeting, the board looked at establishing a new pole attachment agreement.

The agreements are made with other entities, such as CenturyLink, who also use the co-op's electric poles.

Trustee Charles Wagner asked what the current agreements are and co-op manager Joseph Herrera said currently all the agreements are expired. Wagner asked how much the co-op is receiving for the attachments. He was concerned that the income may exceed the limit for what the co-op is allowed in revenue other than what it receives for service.

Herrera said the limit is 15 percent of the co-op's income that can be from other sources and the pole revenue is far below that limit.

Wagner said he would like to see a pole survey and Wolberg said there are 41,000 poles throughout the system.

During the managers report, Wagner asked Herrera questions about several expenditures, including law firm expenditures.

He asked if the attorneys bill by the hour or by the job and co-op attorney Bruce Wiggins said they charge by the hour.

During the Renewable Energy Certificate Committee report Herrera presented a draft agreement for solar power producers to sign to receive RECs through the co-op. There are 25 electric users utilizing RECs, paying energy back to the grid.

“This is the final agreement,” Herrera said. “Both parties (the co-op and the producers) are on line with this collaborative effort.”

Electric coop listens to comments, discontinues weatherization

by Elva K. Osterreich | September 1, 2012 | Filed under: News

The Aug. 29 Socorro County Electric Cooperative board of trustees meeting began with contention.

Board member Charles Wagner asked an item be removed from the agenda at the beginning of the meeting. He said the item, consideration and approval of District 1 members names to be released, is in the co-op by-laws and therefore should not be up for consideration as an agenda item.

Board Chairman Paul Bustamante said discussion over the item, Item XI on the agenda, would be held at the appropriate time during the meeting.

Gayl Dorr, during the public comment segment of the meeting, asked for clarification. Dorr is running for the District 4 co-op board seat and said she was told she would have to wait until after the filing date of Sept. 6, before she could get a list of names of people in the district. She asked if she would get the names on Sept. 6 or had to wait for a board vote.

Also during public comment co-op member-owner Steve Jones of District 1 said he had a call from someone claiming to be conducting a survey on behalf of the co-op and wanted to know if it was a legitimate survey. Bustamante responded that a survey is in progress and has been announced on the cooperative's web site.

Next in public comment, Charlene West said she feels most people don't know what co-op district they are in and she would like to see districts included in the electric bills.

"Districts were recently changed," West said. "There has been no notice as to what district they are in. I think we have to be straight forward."

Trustee Donald Wolberg responded by saying members can easily find out what district they are in by looking at a district map available at the co-op office.

“Anybody who has a question of where they live can give me a call,” Wolberg said.

The board then approved a meeting change, making the next board of trustees meeting 5:30 p.m. Wednesday, Sept. 26.

Then the board discussed the weatherization program the co-op has had in place. Co-op manager Joseph Herrera reported loans for the weatherization program are not being repaid in a timely manner and people who signed up for the program owe a total of \$56,000 to the co-op.

The board voted to discontinue the program pending collection attempts.

Voting “nay” on the closure of the program, Wagner said he doesn’t think because of a few who didn’t pay the whole program should be discontinued.

Wolberg pointed out there are other entities, federal and state, who have weatherization programs available.

Then Item XI on the agenda was up and the board discussed the approval of releasing District 1 members’ names as per Dorr’s request. Wagner said it is the law and in the co-op’s bylaws voting lists should be released if they are requested.

Wagner made a motion to strike the item from the agenda.

Then, when Bustamante stated Wagner’s motion failed for lack of a second, Wagner said he seconded it for himself, saying as a representative of both District 2 and District 5, he could do that.

“This is ridiculous,” Bustamante said.

Co-op Attorney Bruce Wiggins said the person requesting the voters’ names did not state the reason for the request and therefore it couldn’t be granted at the current meeting.

The item was removed from the agenda.

Throughout the meeting, because Wolberg continued to comment on Wagner's statements, Wagner referred to Wolberg as "the mouse" in Bustamante's pocket.

Before the meeting was over Wolberg called Wagner both an "ass" and a "rat."

For more on the Aug. 29, SEC meeting, please see the Wednesday, Sept. 5, edition of El Defensor Chieftain.

Co-op assault case settled

by Jonathan Miller | August 22, 2012 | Filed under: News

A San Antonio man was fined \$500 and given 180 days of unsupervised probation as the result of an incident that took place in May of 2011.

Xavier Ortiz, 66, pled no contest to misdemeanor assault and was ordered to pay the suspended fine after he became verbally abusive and used offensive language toward Socorro Electric Co-op trustee Charlie Wagner on May 18, 2011.

The incident occurred in the downstairs hallway at the Socorro County Courthouse just after a judge had resolved a lawsuit under which the co-op board had sued it's member-owners in an effort to block transparency laws. The board was ordered to abide by sunshine laws regarding the Open Meetings Act and the Inspection of Public Records Act, all of which the co-op reform board viewed as a victory.

According to a police report, Socorro police officer Victor Chavez was dispatched to the scene around noon that day in reference to a verbal argument. Ortiz was reportedly being escorted out of the building and stated he was upset with Wagner, and Wagner stated that Ortiz was upset with him due to the way the meeting transpired. Wagner told police that Ortiz began to verbally abuse him, using offensive language and that when he attempted to walk away Ortiz followed him and continued with the verbally abusive behavior.

According to case history, over the course of the past year Socorro Magistrate Court granted three continuances and a motion of competency determination was filed on behalf of the defendant. The defendant was deemed competent on July 19 of this year and a jury trial demanded the next day. On Aug. 13, Ortiz pled no contest and was adjudged guilty. He had originally pled not guilty to the charges.

In addition to the fine and unsupervised probation, Ortiz was ordered to have no contact with the victim or anyone else who testified in the case.

Wagner is currently involved in a cross-suit stemming from an original June 2010 filing in which the retirement of capital patronage and a 2010 forensic audit are being questioned.




Co-op discusses suit

by Jonathan Miller | August 4, 2012 | Filed under: News

The Socorro Electric Cooperative held a special meeting on Tuesday evening at a judge's request in order to facilitate open discussion regarding a pending cross-claim filed against the co-op on behalf of its members.

Judge Albert Mitchell, Jr., who represents the 10th Judicial District, signed a court order at the parties' request that the two sides meet to discuss the parameters of the suit in "a productive, professional atmosphere."




Originally, in June 2010, Socorro Electric filed a suit against every one of its approximately 10,000 member-owners in an effort to block bylaws, newly adopted at the time, which would have required the co-op to operate with increased levels of transparency and abide by Open Meetings Act guidelines. The cross-claim in question was filed in response to that suit in August 2010, charging the co-op was in breach of its fiduciary duties. co-op Trustee Charlie Wagner had originally been the sole plaintiff listed in the suit, but Quemado resident Carol Auffrey and Socorro's Herbert Myers have since replaced Wagner as plaintiffs.

The meeting took place in a "limited session" of sorts, but the court document allowed the proceedings to be broadcast via electronic audio to members outside of the co-op building.

Attorney for the plaintiffs, William Ikard of Ikard Wynne LLP out of Austin, Texas, referred to the meeting as "procedural," and said it was intended to outline for the defense certain issues or complaints that could conceivably be addressed in a possible eventual court case.

Other present legal council included Darren Foster, representing the co-op, Kimmie Selinger, also of Ikard Wynne LLP, and Socorro attorney Lee Deschamps, also representing the plaintiffs.



Foster began the meeting by pointing out that Wagner was sitting as a complainant and not as an SEC trustee, and that his statements should not be imputed as a board member.


Ikard then reiterated the history of the entire legal battle, saying the original June 2010 filing had been partially resolved to disposition by virtue of the court having determined that the resolutions voted for by members regarding co-op transparency were lawful, and should thus be in affect.

The attorneys then, in an attempt to try and streamline the case, removed Wagner, as his status as both a plaintiff and a trustee had become conflicting, and amended the complaint to include Auffrey and Myers. Mitchell decided at the last full hearing that he would not make them, as plaintiffs, go in and file a new lawsuit and dismiss the original suit brought as a cross action by Wagner. He thought it would be a waste of judicial resources and not economically responsible, according to Ikard.

According to Ikard, Mitchell had basically said they were going to “sort of start them over again,” and the complaint was amended.

One of the requirements of not having to re-file the claim was to comply with statute 62-15-9 of the New Mexico Rural Elective Cooperative Act, Subsection H. The statute requires the aggrieved party with a complaint against a trustee or the co-op itself must go to the board, submit their complaints and give the Co-op opportunity to hear the complaint. The individual or board can presumably make a decision as to whether or not it was well-taken. If it was well-taken, they are granted the chance to go about the business of correcting the complaint. If the complaint isn't corrected, the aggrieved party can then file suit, but he or she has to plead in the suit that they have taken that specific step and it has to be verified.

Ikard said that when they began the legal process two years ago, the big items listed in the suit were transparency and democracy in regard to OMA, openness of reviewing books and records of the company, and redistricting. Since that time, the members passed resolutions amending the bylaws that were put into place by Mitchell's original ruling.




“The good news is three of our biggest complaints have been resolved. It’s possible to do that,” Ikard said.

What’s left are two other main points that haven’t yet been resolved. First, Ikard said the filers of the suit have a serious problem with the way capital patronage retirement is being handled by the Co-op.

Patronage capital is annual revenue received by a cooperative that is above the cost of operations. This capital is retired, or basically refunded back to the members of that co-op. Ikard said that the co-op currently has \$16 or \$17 million in patronage capital, and in light of the fact that the company currently has “a considerable amount of cash on hand and short term investments that could be liquid,” they didn’t need to have that much capital on hand.

According to a document apparently provided Ikard by Foster, he also claimed the co-op booked \$300,000 of patronage capital in 2010, but none was actually ever retired, and 2011 appeared to have bookings, but only \$7,506 was provided as retirement.



Ikard said there is no formal retirement policy in place, and that the suit requests at the very least \$10 million be retired to members over the next five years at a rate of \$2 million per year, through something like cash rebates or credit to a bill.

“This is the members’ money, at least by legal theory,” Ikard said.

“It wouldn’t surprise me in the slightest if there was a court ordered settlement or court judgment ordering the SEC to pay \$2 million a year.”

Deschamps restated and further clarified the overall nature of the first listed complaint by stating that the issue wasn’t so much a request for a specific amount of money, but a request that “The co-op realistically examine the capital account and come up with some equitable manner of repaying the capital account to its members when appropriate, based on the guidelines of every other co-op that we’ve looked at, and this co-op isn’t doing that,” he said.



“It’s a specific request that the co-op deal with the capital account the way that it’s supposed to.”

The second issue was in relation to a 2010 forensic audit commissioned by the board.

The suit’s plaintiffs claim the audit gave a limited scope.

“In my view,” Ikard said, “there are some very important ideas that were raised in that report that I would like to see.

“One of the ways in which our claims could be satisfied is if this company (the auditor BKD), that if someone either like them, or they, could update this report and provide us with a little bigger scope, particularly focused on key employees’ and board members’ compensation, reporting reimbursable expenses and accounting for expenses.”

Ikard said the 2010 audit probably wasn’t a very good one and was open for abuse, although no abuse has been found. He requested the new audit include a generalized review of all non-operational expenses of the company.

“It is of great concern to us that we have no idea what the itemized expenses are.”

Another issue with the audit is that IRS Form 990s appeared inconsistent, he said.

According to www.Guidestar.org, Form 990 is an annual reporting return that certain federally tax-exempt organizations must file with the IRS. It provides information on the filing organization’s mission, programs and finances.

In addition to those inconsistent forms, Ikard said the party was “also concerned that the advances for expenses policy versus the reimbursement for expenses policy might trigger the IRS to determine that those advances are ordinary income to the recipient, in which case they would have to pay taxes on as an ordinary business expense.”

That could put the co-op’s status as a tax-free, non-profit company in jeopardy.

Wagner then addressed the meeting's attendees, saying his "concern is primarily with the democratic principle, especially democratic control by members. In order for that to happen, the bylaws have to be obeyed."

Wagner said that the board is still not in alignment with OMA or the Inspection of Public Record's Act, and that the co-op is failing to abide by certain bylaws.

At the conclusion of his statement, Foster attempted to inform the meeting that what Wagner had just said was not involved in the complaint. Ikard responded by saying that he wouldn't be bound to say that anything Wagner had just said wouldn't be included in the amended suit.

"I'm not going to sit here and tell anyone what the amended complaint is going to look like."


He added that the purpose of the meeting was to provide in good faith to the board and attendees, the party's complaints as in general fashion, and give the co-op an opportunity to discuss them and possibly take action to cure them.

After breaking to retire into executive session to discuss the meeting, no action was taken and Foster made the following announcements.

One, the board given suitable time (30 to 45 days), would redraft Policy 108 concerning the issue of receipts, reimbursements, advances, etc. He also said the co-op would like to price out an audit for this purpose, as BKD had cost the co-op \$32,000 originally. BKD had been specifically requested by Wagner, Foster said.

Next, they would explore what steps would be necessary and what procedures they'd have to go through to get RUS, the company's lender, to agree changing equity parameters, if necessary, in order to address the patronage capital issue. The board wished for exact numbers through an audit by Bollinger firm, a company the Co-op has used for more than 12 years.

In addition, Foster suggested the two parties would together request a stay of 60 days in order to complete these tasks. Ikard had no objections.



The Aug. 22 regular monthly meeting has been rescheduled for Wednesday, Aug. 29.

Special Meeting to be held Tuesday at SEC

by Jonathan Miller | July 28, 2012 | Filed under: News

The monthly meeting of the Socorro Electric Cooperative Board of Trustees on Wednesday evening was comparatively calm to past meetings, and while the board did take action on a couple of looming items, some questioned the legitimacy of their approval.

During June's regular meeting, the head coach of the Belen Eagles rookies football team, James Lucero, requested a donation from the Co-op to help the team with insurance and referees fees. The item on Wednesday's agenda called for a \$350 donation to the team.

In 2009 an amendment to the bylaws was made regarding the disbursement of funds in that they should only be made to student scholarships, but that particular line has since been omitted. Article 8, Section 8 of the bylaws does currently state no co-op donations will be awarded to adult or civic organizations, but it doesn't actually spell out exactly what those are.

Trustee Don Wolberg pointed out, though, that Policy 513 does allow for the co-op to send students to Boys State and Girls State (summer leadership programs), and Policy 515 does lay out descriptions and qualifications for scholarships and where they are to be distributed.

He provided a lengthy list of organizations that other co-ops from around the state contribute to, and also pointed out that the co-op is required to give away 5 percent of what they have per year, or there exists the possibility of a fine. He said providing the team with the donation seemed perfectly rational.

Trustee Prescilla Mauldin displayed some apprehension that the team is not, in fact, a Socorro team, but it is stated in co-op policy that Belen is on a list of schools eligible for donations.

Trustee Charlie Wagner said there is a scholarship trust that uses monies forfeited by members, but it should be used exclusively for scholarships. He

said he didn't believe there was a specifically consistent policy regarding the matter and that it wasn't fair to give to teams in one district without giving to teams in other districts.

When the motion was called to vote, Wagner requested a voice roll call vote per the Open Meetings Act, which he was granted, and the motion carried with Wagner and Mauldin voting nay.

Wolberg was then voted as acting delegate for the National Rural Electric Cooperative Association Region 10 meeting, and newly appointed Chief Financial Officer Apren Romero was granted bank card authorization.

The board was also presented with their audit report for the year ending Dec. 31, 2011. It was pointed out the audit year can be separate from the fiscal year, and that the co-op is in compliance regarding this matter, noting an audit had been performed on March 31, 2011.

A brief breakdown of the audit report includes total current co-op assets at \$70 million, deferred charges of \$4.1 million, net equities of \$19.1 million, long-term debt of \$46.4 million, current liabilities of \$3.9 million and deferred credits of \$157,000.

The total operating revenues of the co-op, including residential, commercial, irrigation, industrial and public buildings is \$23.7 million, while the operating expenses stand at \$20 million. This makes for a net operating margin of \$3.6 million. Interest on long-term debts equal \$2.1 million.

Wagner requested he be allowed to question the presenting auditors about several issues without management present, one of those issues being a requested breakdown of legal fees involving "Outside Services Employed" which amounted to \$151,578. There was no itemized entry on the report, but Wagner's request was denied and the board approved the audit.

The manager reported member applications and cancellations included 29 new accounts, 28 reconnects and 110 disconnects.

Wolberg gave a New Mexico Renewable Energy Credit Act presentation under trustee reports, regarding the possibility of alternate energy sources being utilized locally. The possible sources included geothermal, photovoltaic and natural gas. He also pointed out that these energy sources do not necessarily provide a hotbed of new jobs.

Wagner then spoke regarding the issue of cash advances to co-op board members. In light of an unaudited fact sheet outlining compensation and expenses incurred by trustees from 2006-2010, he motioned that receipts should be provided by all board members involving cash advances, and compensation for charges incurred should only be granted for business purposes. The motion was not seconded and thus died.

The Co-op Board then broke for executive session where they discussed litigation, specifically Section 10-15-1 (H) (7) NMOMA, involving Charlene West and Charlie Wagner, cross-claim. No action was taken on the matter.

On July 31 there will be a special meeting ordered by New Mexico 13th Judicial District Court Judge Albert Mitchell regarding a lawsuit by plaintiffs Carol Auffrey and Herbert Myers, individually, representing the class of member/owners of the Co-op against the Socorro Electric Cooperative, acting as defendant. At the parties' request, the meeting is intended to provide open and candid discussion regarding issues raised by the current lawsuit in a productive, professional atmosphere, this according to the court order.

Also according to the court order, the meeting shall take place in "limited" executive session, meaning it will be closed to membership, but that particular portion of the meeting shall be broadcast via electronic audio to attending members outside of the closed meeting room. Members of the press will be allowed inside the meeting room, and the Board of Trustees will have the authority to order the meeting fully closed after the plaintiffs' presentation of concerns.

The special meeting will take place at 5:30 p.m. at 310 Abeyta, across from the DAV.

The next regular monthly meeting is scheduled for Wednesday, Aug. 22.




Co-op makes up its mind on elections

by Jonathan Miller | June 30, 2012 | Filed under: News


The monthly meeting of the Socorro Electric Cooperative on Wednesday evening may have been clouded with confusion and disdain, and officers from the Socorro City Police Department were even called to the scene, but the board at least managed to come to a conclusion related to the long-standing dispute regarding new district elections and term limits for existing trustees.

In light of some controversy over whether or not present members should be allowed to serve out their current elected terms, since co-op member-owners decided in 2010 that the board should be downsized to five members, the meeting specifically noted state laws that will require Districts 1, 4 and 5 to hold elections in upcoming months. The four trustees that have one year remaining on their elected terms will finish out those terms, regardless of recent redistricting.



According to a presentation given by Patty Williams, of Williams, Wiggins and Williams Law Firm, “Case laws say that if a member of a board is elected, qualified to have run and won an election, they have the right to serve out their term.” Those wishing to run for re-election, however, will likely not be qualified to run for re-election in their current district in light of newly placed qualification standards. According to Williams, anyone running for re-election in upcoming years has to “be a member, and a bona-fide resident, physically residing for 12 months in the district they’re seeking election in.” Sitting trustees in districts with more than one representative, who are qualified to run, will have to run against one another.

During the presentation, Williams made it a point to educate the co-op on the emphasis of staggered terms, in that the method is integral in ensuring that there never exists an infant board. “Transitions take time, or they are destructive to the organization,” she said.



Also under new qualifications, by law all existing members will be given a technical clean slate in relation to their term limits, in that they will, regardless

of past terms served, be allowed to serve two more four-year terms if elected. While the conversation of elections and new terms was taking place, trustee Leroy Anaya motioned that the board hold elections for all members' seats in 2012, regardless of current terms being served. SEC attorney Lorna Wiggins pointed out that a duly elected member of the board cannot be pushed out of their elected office, as that might be subject to action by any member that doesn't wish to be forced out.

"If you make a motion to force them out, I think that the person that is unhappy with that decision could make a claim against the co-op," she said. "We could wind up having to litigate this issue. I think it's clear that if everyone wants to resign, that's your choice. But forcing that is not something we recommend you do."

After it was established that current election terms would be carried out, the issue of election dates came up. Trustee Charlie Wagner motioned that 2012 election dates be held in late October and mid-November, so as to avoid the issue of lame duck trustees making rushed changes in the co-op during their last official meeting as a serving member. The motion was voted on at a 3-3 tie, and sitting chairman Vice President David Wade, of District 4, served as the tie-breaker to vote against the motion. It was then that a member of the public audience stood up and walked out of the meeting, saying "You are an embarrassment, Mr. Wade."

As it stands, district elections for 2012 will take place as follows: Wade chose Oct. 6, 2012 for the District 4 election, Leo Cordova chose Oct. 13, 2012 for District 1 and Wagner (District 2) chose Oct. 27, 2012 for District 5, as that district has no incumbent. Members who want to run in District 4 must declare on or before Sept. 6, those in district 1 before Sept. 13 and District 5 as of Sept. 27.

In other business

- James Lucero, head coach for the Belen Eagles rookies of the Young American Football League, formally asked the board for a donation of \$650, or whatever they could donate, in order to help his team, consisting of 9-year-old boys and girls, for the upcoming season. The SEC

board donated \$250 to the team two years ago, but a bylaw passed by the members in 2010 restricts the SEC Board of Trustees from making contributions to adult or civic organizations. Any donations would have gone towards payment of insurance, referees, etc. Lucero pointed out that the board's sponsorship "could help develop these young kids." According to an original proposition on this issue, passed at the 2009 District 5 meeting, it had a second sentence that is not included in the bylaws: "Contributions may only be made to student scholarships." A motion was made to postpone the decision until August, even though a decision made at that time might be too late for the team.

- During the public comments portion of the meeting, District 1 member James Bockenstette publicly requested that the board "withdraw the lawsuit in process against the cooperative membership." He said that the board made a serious mistake, but it was not too late for redemption. "Admit your mistake and avoid the inevitable embarrassment," he said. "A personal benefit will be that you will be able to look in the mirror without becoming nauseous."
- General Manager Joseph Herrera issued a report on Member Applications and Cancellations, which listed 24 new connects, 38 reconnects, and 147 disconnects.

Executive Session

The board went into executive session to discuss a new hire and two cases of active litigation which included a wrongful termination suit brought by former co-op manager Polo Pineda Jr. and the class action suit, in which Wagner is still named as representative of the class.

Wagner was asked to leave the executive portion of the meeting. He protested, the manager called the police and three city of Socorro policemen arrived in their their squad cars. Wagner requested a copy of the police complaint and then left the scene without incident.

The next SEC meeting will be on Wednesday, July 25.




SEC suit moves forward in court

by Julia M. Dendinger | June 23, 2012 | Filed under: News

Despite protests that they were never actually party to litigation against the Socorro Electric Co-op, a district court judge allowed for the filing of an amended complaint to replace a SEC board of trustees member with two other member-owners as the class action representative.

On Thursday, Judge Albert J. Mitchell Jr. ruled that Carol Auffrey of Quemado and Herbert Myers of Socorro could replace SEC Trustee Charlie Wagner as representatives of the class in the countersuit, which asks for class action certification.




The initial cross claim, filed in August 2010 in response to SEC's lawsuit against its members, named current and former co-op officials individually as defendants. This one lists Socorro Electric Cooperative, Inc. as the cross claim defendant.


The amended version retains many of the same charges of breach of fiduciary duty by members of the co-op's board of trustees and the former general manager, but differs from the original complaint by naming different parties to the lawsuit.

The countersuit came in response to a lawsuit Socorro Electric filed against all of its approximately 10,000 member-owners in June 2010 in an effort to block new bylaws that require it to operate with increased transparency.

Through the co-op lost the lawsuit, Mitchell allowed the case to continue to consider the merits of the countersuit. He has yet to decide whether he'll accept it or certify the class, but opened the case up to discovery to assist him with the decision.



The judge also ordered that because "the law expects certain people to have certain titles," going forward, Auffrey and Myers would be the plaintiffs and SEC




will be the defendant. Mitchell said Wagner would not be dismissed as the class representative until the amended complaint had been filed.

“This is not about technicalities,” Mitchell said. “It’s about details. This will keep Mr. Wagner in until we have another party.”

Mitchell earned a chuckle from the dozen spectators when he said going forward, this would be “a simple class action case.”


The amended countersuit includes many of the same charges as the first version. It claims:

- The co-op long maintained a system of unequal and improper voting districts;
- Patronage capital was withheld from members at times when they should have received payments;
- Members of the board of trustees received excessive amounts of compensation;
- Board members breached their fiduciary duty in numerous ways, including with regard to contractual obligations to co-op members and reporting financial and accounting records.



While individual trustees and former co-op officials are no longer specifically named in the amended complaint, the revised version still asks that they be held accountable and be disgorged for all expenses and compensation deemed excessive.

The complaint asks the judge to, “Enter judgment that SEC is liable for exemplary damages based on malice, willful, reckless or wanton behavior, behavior or acts or omissions done in bad faith by the SEC or the board of trustees in an amount sufficient to punish SEC and to deter similar conduct in the future.”



Members would be entitled to damages in the amount of patronage capital that the complaint claims should have been retired and paid to them during the

relevant time period, and attorneys representing members would be awarded fees.

The amended complaint was filed by William "Bill" Ikard of the Ikard Wynne law firm of Austin, Texas, which, in 2009, helped win a class action settlement against Pedernales Electric Cooperative that resulted in \$23 million being returned to members in the form of patronage capital. Ikard Wynne has been working in concert with the Deschamps & Kortemeier law firm of Socorro, attorneys for Auffrey and Myers.

On Thursday, Darin Foster, the attorney representing the SEC, argued that the amended claim was nothing more than an attempt to "sneak in a substitute party." Foster said Auffrey and Myers were not parties to the case.

"The litigation was brought against all the members. Those who did not answer, were dismissed. It's like they didn't exist," Foster said. "Now they want to come in and take Mr. Wagner out, put new plaintiffs in and file an entirely new suit."

Foster said amending the claim would reframe the class, making the case more complex and expensive. He also said Wagner did not respond to the original lawsuit brought by the co-op

Ikard countered that Wagner did indeed reply, noting that every filing was footnoted with the caveat that the filing was on behalf of Auffrey and Myers.

"That was based on the assumption that the court would grant leave to file," Ikard said. "There is no question that the defendants in this case were only dismissed because the court required dismissal.

"Previous lawyers allowed service by publication."

He added that all trustees will be excluded as members of the class. Trustees all live within the SEC service area and are themselves member-owners; in essence the board of trustees sued itself in 2010.

When he made his determination, Mitchell said he felt the case would be different if Wagner had originally filed the lawsuit.

“SEC made the decision to get into litigation with all its members. Was it a wise decision? Whether it was or not, the decision was made by the board that they want to litigate with all its members,” Mitchell said. “The case has been well publicized. Everybody knows there is litigation going on. The concerns raised by the co-op is valid and they will be reviewed as we go forward.

“In the interest of justice and judicial economy, at this point in this case, I will allow the amended complaint,” the judge ruled.

Mitchell directed that under the SEC bylaws, the matter be placed on the co-op’s agenda for its July 25 board meeting. Mitchell instructed attorneys to have a final amended complaint ready for presentation at a status hearing three to four weeks after that meeting.

He and the lawyers estimated that by the time all the filings are done and responses completed, the matter should be ripe to come back before the judge in mid- to late-November.

The money issues


At the outset of the hearing, Mitchell addressed an issue that has been dragging on since the beginning of the year — the dismissal and payment of attorney Thomas Fitch.

Fitch, along with law partner Polly Ann Tausch, was one of the attorneys who defended the original case SEC brought against its member-owners.

The judge had previously agreed to temporarily delay payment to all the attorneys involved, totaling \$13,000. During the hearing Thursday, Mitchell ordered SEC pay Fitch \$2,000, and that he be released from the case. Fitch and Tausch previously submitted a billing statement for more than \$3,800 for their work on the case.

Mitchell also directed that Fitch be notified if the co-op appealed the original case.

In May 2011, Mitchell ruled in a landmark case in which Socorro Electric Cooperative sued all of its approximately 10,000 member-owners in an effort to




block three bylaws — each aimed at increasing transparency — passed by members at the 2010 annual meeting.

The ruling meant that the democratically controlled rural electric utility must abide by the New Mexico Open Meetings Act and Inspection of Public Records Act — state legislation incorporated into the co-op bylaws by the members two years ago.

In the ruling last year, Mitchell said the co-op should have been following the bylaws since they were adopted on April 17, 2010.

Stephen Kortemeier, with Deschamps & Kortemeier law firm of Socorro, agreed to let the fees his company was seeking be placed into the registry of the court within 30 days, so that the monies could be paid out once litigation was finalized on the original case.



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Co-op board approves draft REC contract

by T.S. Last | June 6, 2012 | Filed under: News

Amid concerns and complaints from a small group of Socorro Electric Cooperative members, the co-op's board of trustees approved a draft of a revised contract covering Renewable Energy Credits (REC) at last month's meeting.

REC are awarded to customers who have invested in renewable energy sources, such as wind and solar power generators. The program, which was temporarily suspended earlier this year, offers credit to customers who produce more energy than they use from the co-op. Checks are issued once the credit amount exceeds \$50.


According to the EPA's website, the idea behind REC is to promote green energy and reduce the need for fossil fuel-based generation sources.



Three Socorro Electric customers took advantage of the public comment period of the board's May 23 meeting to speak in favor of reviving and revising the REC program.

John Fredericks of Tierra Grande claimed that co-ops and energy companies are buying REC to offset their "dirty" production of energy because it's cheaper to do so than to invest in producing clean, renewable energy.

"I will only say that the current way most co-ops are going about it is in direct conflict with the spirit and intentions of why co-ops were created in the first place," he said. "That is to say the banding together to help each other and the community they are a part of grow and have access to cheap energy for the common good."



Fredericks said he didn't think it was right that Socorro Electric was acting as "muscle men" for Tri-State, the company that provides the co-op with its energy, by charging the customers in the program a \$16 monthly fee while not producing the energy the customers use.

“If the board would be willing to waive the \$16 minimum fee for all solar 10-watt and under producers, then maybe we can come to an agreement that is beneficial to everyone,” he said.

Like Fredericks, Jim Lear of Magdalena applies a photovoltaic system that generates electrical power by converting solar radiation into direct current electricity. He said the co-op should be promoting clean energy use.

“It’s in the interest of members to encourage (solar panel) installation,” he said. “The price depends on the policies of the board.”

Jeannie Dixon of Socorro said the co-op should be working with the approximately 25 customers who utilized the program.

“I want to make sure we have a real strong say,” she said.

Later in the meeting, Socorro Electric General Manager Joseph Herrera presented a draft contract between the co-op and customers to the board.

“I’m asking for approval, so we can sit down with members and come up with something,” he said, adding that the agreement would still have to be approved by the New Mexico Public Regulation Commission.

The board approved the draft contract unanimously.

Related to the subject of renewable energy, Trustee Donald Wolberg reported on marketing alternative energy. While Socorro Electric purchases its power from Tri-State, Wolberg said there were other options that could be explored.

“Other than Tri-State, there’s solar, geothermal and natural gas, but coal is king,” he said, adding that the feasibility of coal is greatly dictated by EPA regulations. “Our basic idea is Socorro Electric Cooperative is exploring alternatives to create an energy portfolio.”

Wolberg said solar arrays and large and small photovoltaic systems could be included in the portfolio and that funding sources are available.

Wolberg suggested that the alternative energy marketing plan be published in Enchantment, a magazine published by Tri-State and mailed to co-op customers, and posted to the Socorro Electric's website. The co-op could then invite public input on the plan.

In another related matter, the board agreed to send a letter to Secretary of Energy Steven Chu asking him to reconsider his position on Power Marketing Administrations. The letter states that while transmission expansion, renewable energy, energy efficiency, cyber security and electric vehicles may be important public policy goals, the co-op has concerns over the potential impact to customers and stakeholders.

In Other Business:

- The board agreed to release only the names of co-op members to Socorro attorney Lee Deschamps, who sent a letter requesting names, addresses and phone numbers of members on behalf of Charlene West, chairperson of the Socorro Electric Cooperative Reform Committee.


Trustee Charlie Wagner said he thought the request was appropriate and that case law dictates the co-op is required to release the information.

Others felt that addresses and phone numbers were more information than what should be released.

"What if members don't want their names and addresses released?" asked Trustee Prescilla Mauldin.



Mauldin amended Wagner's original motion to approve by limiting the release to just names. The board approved the amended motion, 7-1, with Wagner casting the lone vote against.

- The board approved a series of policy changes. One would include an Equal Employment Opportunity statement to the policy manual. Others addressed the uniform and clothing policy, dress code and gets the general manager the authority to send employees to training at his discretion.

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- During his manager's report, Herrera said the co-op comfortably made its margins for the last quarter. That's important because Socorro Electric is currently operating in technical default on more than \$20 million in loans it received from the USDA Rural Utilities Service.

The next meeting of the board was set for 5:30 p.m. on Wednesday, June 27.

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Co-op board denies payment to trustee

by T.S. Last | May 30, 2012 | Filed under: News

Socorro Electric Cooperative Trustee Charlie Wagner suggested he may sue his colleagues on the board of trustees after they again denied him reimbursement for expenses he incurred more than two years ago.

At the May 23 board of trustees meeting, the board revisited the question of whether Wagner was entitled to reimbursement for attending an Environmental Improvement Board hearing in March of 2010.

Prior to that hearing, Socorro Electric's board passed a resolution in opposition of a New Energy Economy petition calling for EIB to place strict limits on greenhouse gas emissions. But when Wagner went to the hearing in Santa Fe, he did not follow the company line when he spoke on the matter.




While other Socorro Electric officials attended the hearing and received reimbursement, Wagner was made to pay out of his own pocket. None of the other officials from Socorro spoke at the hearing.

The co-op's attorney, Lorna Wiggins, told the board at last week's meeting that Wagner had the right as a private citizen to express his views.

"The question is if he was acting in an official capacity or on his own behalf," she said, adding that if Wagner spoke independently he would not be entitled to reimbursement.

"I thought we did this already," Trustee Dave Wade said while the matter was being argued.



In fact, the board had addressed the question before. Going against the advice of the co-op attorney at the time, Dennis Francish, the board voted not to grant Wagner reimbursement for his travel and per diem. Francish said then that the board had previously approved reimbursement for any trustee that wanted to attend the hearing and Wagner was entitled to the payment, just as the others were.

Co-op President Paul Bustamante referred to a letter Francish wrote outlining his legal opinion on the matter, but Bustamante had a different view.

“Mr. Wagner can’t wear two hats,” he said.

Wagner said it was within the scope of his duties as trustee to speak at the meeting and that his comments were neutral.

“My reason for speaking was the argument was made in such a way that it was a choice — if you want cheap energy you have to have dirty air. I don’t agree,” he said. “My arguments weren’t pro or con. My argument was with the way the choice was staged.”

Wagner, a leader in the movement to reform the co-op and who is often at odds with other members of the board, said his remarks were made in the interest of the co-op’s shareholders.

He said the board’s decision to deny him reimbursement was a way for other trustees to punish him for the stand he’s taken on reform.

“You have no authority to limit freedom of speech,” he told his colleagues. “This is something a couple of other trustees wanted to harass me about ... Do you want to continue the harassment?”

Trustee Donald Wolberg called Wagner’s argument “convoluted” and that Wagner violated the principles of the co-op by speaking out against something the board had voted to support.

Trustee Prescilla Mauldin, however, didn’t think it was right for Wagner to have to pay his own way, while other trustees who attended the meeting were paid for attending the hearing. She made a motion to reimburse Wagner, but the motion was defeated by a 6-2 vote, with Mauldin and Wagner in the minority.

Wagner insisted on a roll call vote. “Because there could be a lawsuit,” he said.

In Other Business

- During approval of expenditures, Wagner questioned a payment made to an election judge at the last month's annual meeting. Wagner said he didn't know if the election judge was related to Trustee Leroy Anaya but noted they shared the same surname and that there is a bylaw that doesn't allow relatives of trustees to be employed by the co-op.

Trustee Anaya didn't respond, but others came to his defense.

"Socorro's a small town," Wolberg said, dismissing the question.

Wagner asked for the attorney for an interpretation. Before she would look up the bylaw, Bustamante rendered his own opinion, noting that the payment was for only \$60.

"It doesn't apply. They (judges) are not employed by the co-op," he said.

Wagner contended that if someone was paid, they were employed.


- Wagner also questioned a \$7,000 payment made last month to the Kennedy Han law firm, which is defending a countersuit against Socorro Electric brought on behalf of its members.

Including two other payments made to Kennedy Han totaling more than \$37,000 earlier this year, and fees made to other attorneys, Wagner said the lawsuit Socorro Electric brought against its members in an effort to block bylaws that call for increased transparency has cost the co-op more than \$100,000.

When a judge ruled against the co-op last year, he awarded attorneys representing members a total of \$13,000.

"I think it's unfair we're paying co-op attorneys over \$100,000 and defense attorneys only got \$13,000," Wagner said.

- The board spent nearly a half hour in executive session discussing personnel matters and a lawsuit brought by former co-op accountant/office manager Kathy Torres against the co-op and trustees Bustamante and Wagner. Torres, who was fired in August 2010, is



alleging discrimination, defamation, retaliation, breach of implied contract and breach of good faith and fair dealing.

The next board of trustees meeting is scheduled for 5:30 p.m. on Wednesday, June 27.






Co-op board backtracks

by T.S. Last | May 26, 2012 | Filed under: News

Socorro Electric Cooperative's board of trustees are seeking the advice of an attorney to determine how to handle the reduction of the size of the board from 11 to five trustees, as members mandated be done two years ago.

At last month's meeting, the board took action to hold elections in each of the five districts later this year. But the vote was invalid because it wasn't listed on the agenda as an action, in violation of the Open Meetings Act.

"They were good intentions by Mr. Anaya," Co-op President Paul Bustamante said of District 3 (Socorro) Trustee Leroy Anaya's motion last month. "It would have been a simpler way to go, but that wasn't valid. It slipped by me that it wasn't on the agenda."




Even if it were on the agenda, it wouldn't have held up. Co-op attorney Lorna Wiggins pointed out that such action would have violated state statutes by depriving trustees the opportunity to serve their entire four-year term.


"It's clear under state law that if you decrease the number of directors, you can't shorten the term of an incumbent, unless the incumbent agrees. You can't force action," Wiggins said.

Four trustees would have had their terms reduced by one year under Anaya's motion, including Prescilla Mauldin and Charlie Wagner, the two trustees who voted against the motion last month.

Wagner said the board was already aware that the action would have been illegal since the co-op's previous attorney told them the same thing after members passed the bylaw to reduce the size of the board at the annual meeting in 2010. He said there was still another matter the current attorney should address.



"There's a bylaw that says trustees can't run two consecutive terms," he said of another resolution passed by members in 2010. "Some (trustees) are saying



they're going to run even though they've already served two consecutive terms or more. Our attorney needs to address that."


The question is whether the bylaw addressing term limits is retroactive to the years preceding the vote in 2010, or if it wouldn't go into effect until the next election cycle.

Wagner said he believed it was retroactive, so none of the six trustees up for re-election this fall would be eligible to run, since they've all already served two consecutive terms or more.

Others disagreed.

"I think everybody needs to run," said Anaya.

Anaya noted that since members approved new district alignments at this year's annual meeting, the new District 5 is without representation due to Trustee Jack Bruton's resignation last month.




Trustee Donald Wolberg said another question was what to do about District 3, where the terms of three trustees won't expire until 2013. The bylaws provide that each district be represented by one trustee.

"That's unclear, too," he said.

Wagner continued the debate until Bustamante cut him off.

"We're not going to discuss this now. It'll go on the agenda for the next meeting," Bustamante said.

The co-op president asked Wiggins to prepare a legal opinion on term limits and how to handle district elections for the next board meeting, which will take place on June 27.



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Members still mad as hell

by T.S. Last | May 5, 2012 | Filed under: News

At Wednesday's Socorro Electric Cooperative board of trustees meeting, member-owners of the private, non-profit corporation picked up where they left off at the annual meeting two weeks earlier, railing against the board of trustees during the public comment period.

Charlene West of Lemitar, a leader in the movement to reform the co-op, told the board that it was clear from the hostile atmosphere and result of the voting at the annual meeting that members demanded change.

"The jeering was bad, but you have to see where they are coming from. They are angry," she said.





She then called for Co-op Board President Paul Bustamante to resign, to which he responded that he had already survived a recall election in his district a year ago.

Herbert Myers of Socorro accused the board of rigging a youth essay contest, alleging two of the winners were relatives of a former trustee and current co-op employee.

He also questioned why the co-op's office manager, Eileen Latasa, and her husband were to serve as chaperones on the Government in Action Youth Tour trip to Washington D.C. He called for an investigation by an independent party to dispel "feelings of mistrust in the community."

"The co-op must not be viewed as a corrupt sponsor of junkets given to insiders or conspirators in unfair contests arranged for predetermined outcomes at members' expense," Myers said. "Avoiding the appearance of scandal is not enough. We must avoid scandalous actions in spirit and behavior, as well. This co-op must learn to be above reproach."






Mad as Hell

The public comment period ended with a surprise speaker.

Latasa, the co-op's office manager, started by saying she was speaking as a member of the co-op and not as an employee. She went on to say that at the April 14 annual meeting she was disgusted and embarrassed by the actions of people who proudly call themselves reformers and justify their behavior in saying they are mad as hell and can't take it anymore.

"Well, I, too, am mad as hell and can't take it anymore," she said.


Latasa said she was embarrassed to hear reformers jeer and shout at members of the board of trustees – the same people they had elected to represent them. She was also embarrassed for Balderas, whose speech was interrupted by catcalls from the audience, and two other scheduled speakers who decided to forgo their speech due to the restless crowd.



President Bustamante earned praise from Latasa for sticking with the agenda and going through with the presentation of awards to students who won scholarships and essay and coloring contests. She said she applauded the trustees for maintaining their dignity while under fire.

Latasa went on to address two letters to the editor that appeared in El Defensor Chieftain on April 18, saying both letter writers were off base with their remarks.

Finally, Latasa addressed the behavior of Trustee Wagner, who it recently came to light had secretly recorded meetings during executive sessions, which are supposed to be confidential. She said doing so was "dumb" and was a breach of his fiduciary duty as a co-op trustee.



A resident of Magdalena, a part of the district Wagner represents, Latasa said she voted for Wagner in 2005 because she felt his experience as a former National Rural Electric Cooperative Association employee would be an asset to Socorro Electric. Now, she thought of him as a hypocrite for championing open

meetings rules and following proper procedures, then acting in violation of those same principles.

“What makes you think you are above the law, for violating the very resolutions you and your ‘uniformed cynics’ have passed and require the board to follow?” she asked, adding that reformers have proclaimed him the Messiah and his words as gospel. “We are not so ignorant that we don’t know the difference between right and wrong, and you violated the very rules of parliamentary procedure that every board and council, whether public or private, throughout the land adhere to and follow.”

Latasa finished by urging Wagner to do what was moral and just and resign his position of trustee.

Censuring Wagner

At the end of the meeting the board took action to censure Wagner. It was the second time in less than two years it has done so – the last time for speaking on the subject of proposed environmental laws at a hearing in Santa Fe.


This time, Bustamante said it was because Wagner had tape recorded executive sessions. Bustamante also demanded that Wagner return copies of recordings he made during at last four meetings.

“Shame on you, Mr. Wagner,” Bustamante said. “Those tapes were made without the knowledge or consent of anyone who participated. Executive sessions are confidential. Secretly taping executive sessions breaches the code of ethics.”

Wagner has admitted to taping the sessions, saying he was justified in doing so because the board wasn’t following the Open Meetings Act, so the meetings were null and void.

The president also banned Wagner from future executive sessions and from attending any meetings of committees he is a part of, as well as state and national association conferences. If Wagner failed to adhere to the conditions, he would be removed from his position as trustee, Bustamante said.

Wolberg made the motion to censure Wagner.




“He probably tried to record every executive session and taken off like a thief in the night property that belongs to Socorro Electric Cooperative,” Wolberg said.

Wolberg said Wagner’s actions jeopardized the evaluation of employees and litigation that has been brought against the co-op, topics that are confidentially discussed during executive sessions.

Bustamante said Wagner had 10 days to turn over the tapes.

“Fat chance of that,” Wagner responded. “This isn’t the first time you’ve accused me without any proof, and it’s not the first time you voted against me without any basis of fact.”

When he was interrupted, Wagner began shouting, “You had an annual meeting and didn’t follow the bylaws! You sued the members!”




Wagner then walked over to the Bruce Wiggins, a co-op attorney, and handed him a letter. The letter outlines what he claims are violations of the Open Meetings Act and Roberts Rules of Order during the annual meeting and other board meetings. It accuses Bustamante of failing to properly perform his duties as chairperson of the meetings.

“An attorney representing the interest of the corporation and its owners should be hired to sue the chairman to enforce the corporation’s bylaws,” the letter states. “He must be held accountable due to the damage caused by his actions, which prevented the membership’s right to transact new business during the (annual) meeting.”

The letter goes on to say that by taking action to sue all of the co-op’s approximately 10,000 members in an effort to block bylaws passed at the annual meeting in 2010, the board exhibited “disloyalty” to its members and was “a grievous self serving breach of the trustees’ fiduciary responsibility.”

That’s Not All



Wagner was censured again moments later.

Wolberg said that Wagner behaved inappropriately toward co-op attorney Lorna Wiggins during the annual meeting, abusing and harassing her. Wolberg said he thought Lorna Wiggins probably was within her rights to file a lawsuit for harassment.

“We as a board have to stand up,” said Wolberg, who then made the motion to censor Wagner for harassment.

Bustamante said he witnessed Wagner slapping his hands near the attorney’s face and that Wagner at least owed her an apology.

Both votes to censure Wagner were approved 7-1, with Wagner casting the lone no vote.

The board then voted to go into executive session to discuss litigation brought against the co-op by former employees. Barred from the session, Wagner left the room claiming that the board was violating OMA by not stating which of two lawsuits brought by former employees would be discussed.

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Co-op board calls for new district elections

by T.S. Last | April 28, 2012 | Filed under: News

Socorro Electric Cooperative's board of trustees voted to hold district elections later this year, deviating from unwritten guidelines it had been following for the past two years.

Though the matter wasn't listed on the agenda at Wednesday's monthly meeting, Trustee Leroy Anaya of Socorro brought the issue up under the agenda item "subjects by trustees."

"Now that the map has been approved, all the districts have changed," he said, referring to a plan to realign districts approved by members at the annual meeting on April 14. "I think what we need to do now is everybody run in the new districts."




Anaya made a motion to that effect, which was seconded by Milton Ulibarri, also of Socorro.

"Members don't want to wait until 2014," Ulibarri said adamantly. "They want it now!"

In 2010, member-owners of the rural electric utility passed measures to realign districts and reduce the size of the board from 11 to five trustees, each representing one district.

Since then, the co-op has been operating under the principle that the board would be reduced by attrition, under the advice of the co-op's previous attorney.



Then-attorney Dennis Francish said during meetings immediately following the 2010 annual meeting that trustees were entitled to serve out the remainder of their terms. He said if they were removed prior to their terms expiring, the co-op could be opening itself up to a lawsuit, in that the ousted trustees could sue Socorro Electric on the grounds they were being deprived of service they were elected to perform and the benefits that go along with the position.

With district elections taking place this October and November, four trustees would have their terms cut short by a year. Three of them are from Socorro – Luis Aguilar, Prescilla Mauldin and Donald Wolberg – while the other is Charlie Wagner of Magdalena. The others were up for re-election later this year.

Mauldin and Wagner were the only trustees to vote against Anaya's motion in a 6-2 vote. Anaya, Ulibarri, Aguilar, Wolberg, Leo Cordova and Dave Wade voted in favor. President Paul Bustamante only votes to break ties.

After the meeting, one of the co-op's new attorneys, Bruce Wiggins, was asked for his take on the matter. He said he'd have to study it first.

"I wouldn't want to speculate," he said. "We'll have to take a look and evaluate it."

With new maps approved, there are now five trustees representing District 3 (Socorro), two trustees representing District 1 to the north, one trustee each representing districts 2 (west) and 4 (south and east). With Jack Bruton's resignation announced at Wednesday's meeting, District 5 (far south and west) has no representation.

In Other Business

- The board heard two presentations from companies bidding to become Socorro Electric's cost of service consultants. One was by EnFrente Inc., a new company largely made up of former PNM employees. The other, held telephonically, was by the Prime Group, Inc., an Albuquerque company that has performed work for PNM and several rural electric cooperatives.

Cost of service studies are used to fix rates charged to customers.

Later in the meeting, Co-op General Manager Joseph Herrera said he had requested the electronic copy of the last cost of service study performed on Socorro Electric in 2010 by SGS Engineering of Albuquerque. Herrera said the rate analyst, Cathy "Katt" Cobb, had denied his request, so Herrera decided to terminate the co-op's relationship with the company.

- The board chose Trustee Wolberg as Socorro Electric's delegate to the New Mexico Rural Electric Cooperative Association's annual meeting on May 30.
- The board approved the acceptance to two bids recommended by the bid committee. One, for GIS mapping of all the meters in the co-op's service area, went to Chapel Mapping of Warren, Pa., at a cost of \$492,000. The other, for earthwork at the Burris Substation, went to Sanchez Demolition of Bosque Farms for \$28,500.
- The board approved training for three co-op employees - one to attend a NMRECA session in July and two to receive training for new software installed on co-op computers.
- During his general manager's report, Herrera said the co-op is continuing to replace old poles with new ones. He also reported that the co-op owns more than \$2 million in inventory, that a new phone system should be in place by June and that there were 13 new connects compared to 99 cancellations during the month of March.

"This is troubling, the number of disconnects have far outweighed the number of new connects for the past year," Wolberg commented.

Trustee Aguilar complemented Herrera on the look and organization of Socorro Electric's renovated website.

- The board set the date of the next meeting for Wednesday, May 23, at 5:30 p.m.

Co-op board takes a beating

by T.S. Last | April 18, 2012 | Filed under: News

Socorro Electric Cooperative provides power to approximately 10,000 customers in west-central New Mexico. But “Power to the People” took on an altogether different meaning for the co-op when its member-owners came out in force for the annual meeting on Saturday.

More than 600 members turned out to resoundingly defeat 14 of 15 proposed amendments to the bylaws put forth by a board of trustees that chose to sue the co-op’s members in a dispute over new bylaws members approved two years ago. The only measure that passed was a plan to realign districts to make for more equitable representation — something members mandated at the 2010 annual meeting when a movement to reform the democratically controlled co-op took hold.


Charlene West, head of the Socorro Electric Cooperative Reform Group, said the result made it clear that the co-op was run by its members — and not the trustees charged with overseeing the operation.

“Do you think they got the message now?” she asked rhetorically. “I don’t know how much plainer it could be. People told them once what they wanted and had to come back and tell them again. They (the trustees) should understand that now. This is the will of the people.”

Charlie Wagner, the one member of the board of trustees who has diligently advocated for reform, couldn’t help but feel vindicated by the members’ actions.

“The determination of the trustees and their attorney to oppose the interest of the members as expressed in the bylaws is no match for the dedication and hard work of the SEC reform group,” he said.

Wagner went on to say the lopsided outcome of the vote proved that the members understood the board’s behavior over the years had been self serving.




In addition to defeating the board-sponsored proposals, several motions from the floor, giving members more voice in determining how their co-op is run, were approved at what was an often contentious meeting.

“That’s the only thing that really bothered me,” said Paul Bustamante, the co-op’s president. “We knew that voters would turn things down, and I knew there would be a few a few haters out there. But I was hoping there wouldn’t be any screaming and shouting.”

Bustamante said the crowd’s behavior set a bad example for a group of high school students, who were there to receive scholarships provided by the co-op. But members were too impatient.

“They wanted to get onto voting,” he said.

A Rough Start




Members were clearly agitated at the outset, reigning boos during the introduction of trustees and dispensing catcalls toward Bustamante, who met resistance in leading the meeting through its agenda.

Shortly after the meeting was called to order 41 minutes late to allow a long line of members to register and cast votes, member Catherine Stewart-Roache stood and made a motion to amend the agenda to move business items ahead of speakers and reports.

While the crowd cheered in approval, Bustamante wouldn’t allow it.

“We haven’t determined a quorum yet,” he said, drawing groans from the audience. “We’re going to go through with the agenda. I’m sorry.”

Bustamante warned he would shut down the meeting after State Auditor Hector Balderas’ introduction as guest speaker was met with shouts, boos and rhythmic clapping.



Balderas promised to keep his remarks short and made it through an abbreviated speech with little interruption, though at one point he paused to appeal to the audience to be respectful.

The other scheduled guest speaker, Keven Groenewold, general manager of the New Mexico Rural Electric Cooperative Association, did not take the podium. Bustamante later said he didn't want to subject other speakers to anymore hostility.

Co-op General Manager Joseph Herrera did go through with his planned speech, but he received boos when he praised the board of trustees for keeping electric rates down and when he took issue with the EPA's Clean Air Act for driving electric costs up.

The audience was on its best behavior when Herrera presented the co-op's annual scholarships to high school seniors, Government in Action Youth Tour participants and winners of the co-op's coloring contest were announced.

A Matter of Trust


Diminished trust in the co-op's board of trustees was a theme throughout the meeting.

Bustamante and other co-op officials were at times heckled by the crowd, which filled the seats of the Macey Center auditorium and spilled out to the aisles and lobby.

"You sued us!" shouted one man, reminding the board of the lawsuit it filed against all of Socorro Electric's member-owners in an effort to block new bylaws passed in 2010 calling for the co-op to operate with greater transparency.

Socorro Electric being a private, non-profit corporation owned by its members, who are also its customers, it was effectively a case of the co-op suing itself and leaving the members left to foot the bill.

With the lawsuit looming, many members boycotted last year's annual meeting and a quorum was not achieved. A month later a judge decided the case against the co-op, ruling bylaws requiring the co-op to follow open meeting and inspection of public records rules were valid and properly adopted.



Members remain skeptical of procedures relating to the co-op's governance. Several people on Saturday asked for explanations regarding the methods used to conduct voting.


Mike Stoddart of Tierra Grande was one of them. He said he had seen votes before where the numbers didn't seem to add up.

"I love this co-op, but I don't trust the way the voting goes," he said.

While members voted by secret ballot on the proposed resolutions this year, in past years, and this year with resolutions proposed from the floor, votes were determined by voice vote or counted by a show of hands.

Another man expressed his distrust for the board, saying he was reluctant to make a motion that allowed trustees to appoint election judges.

"I don't want to make the motion if this board is going to stay as it is," he said.



Co-op attorney Lorna Wiggins advised him he could make a motion to that effect, contingent on the favorable outcome of the vote to realign districts tied to a previously passed bylaw that reduces the size of the board from 11 to five.

With that in mind, the man stated his motion with the contingency in place.

Co-op member Michael Hanauer of Socorro offered some advice of his own. He said once new trustees are in place who "honorably" — placing emphasis on the word — serve the membership, the co-op will be better off.

But, he said, "We should place trust in our new trustees and let them earn our trust."

Sending Messages

Members at times showed outright contempt for the current board.



Eileen Simmons of Quemado criticized Bustamante for what she perceived to be a display of disrespect for members.

“Why is it when people start talking at the microphone you turn your back on them?” she asked.

“Because he’s arrogant,” shouted a man in the audience.

A short time later another man lashed out at the co-op president.

“I recommend you sit down and shut up and stop trying to circumvent what we’re trying to do,” he said.

When results of the voting was announced midway through the meeting, it was clear reform-minded members accomplished what they set out to do.

All of the board-sponsored amendments were defeated by nearly 5-to-1 margins. The measure to approve the redistricting plan, which paves the way for the co-op’s five districts to be represented by just one trustee in each district, won by an even greater margin. Including the 141 mail-in ballots that were cast, approval was won 612-101.

“You get it now?” came a shout from the crowd aimed at the board for its apparent reluctance to follow the members’ wishes.

In addition to the lawsuit, three of the resolutions proposed by the board at this year’s meeting would have served to undo what members approved in 2010. One would have set the size of the board at seven members, another would have doubled the board’s spending cap and a third would have reinstated the board’s authority to distribute contributions to adult service organizations and sponsor certain events and projects.

A Members Meeting

More controversy arose over the meeting’s agenda.

Wagner, the trustee leading the reform movement, insisted he be allowed time to speak.

“What about reports by trustees?” Wagner asked. “It’s in the bylaws (as an agenda item at the annual meeting). You’re not abiding by the bylaws.”

Bustamante instead invited members to bring up new business.

During that time, a man interrupted the discussion.

“Are you following this agenda? There’s trustee reports on the agenda and we’re on to new business. I think we’re getting ahead of ourselves,” he said.

The same man brought the issue up again, and Wagner momentarily had a chance to speak while votes were being counted on a motion from the floor.

“We have an order of business in the bylaws and it’s not being followed,” Wagner said. “Don’t be surprised by that; this board has a history of not following the bylaws.”

Wagner went on to say Socorro Electric’s board had incurred expenses totaling \$492,000 in 2009, which he said was second highest of all co-ops in the country.

“You did the right thing when you limited the board’s expenses,” he told the members.

At that point, Bustamante interrupted to call for votes in opposition to the motion from the floor.


When the matter of trustees giving reports came up again, Bustamante said he would not allow it.

“This is a members meeting, not a trustees meeting,” he said.

New Resolutions

Wagner did speak again just after that, making a motion that district meetings be held on an annual basis instead of every four years as they are now.

Bustamante questioned whether the motion was valid, since Wagner is a member of the board.




Wagner said he was making the motion not as a trustee, but as a member of the co-op. Before anything else could be said, Gene Cole, a member from Lemitar, stepped in front of Wagner and took over the microphone.

“That’s my motion,” he said. “I was speaking with Charlie about it earlier and he spoke out of turn.”

Cole added to his motion that the annual district meetings be held in either October or November to allow time for resolutions proposed by members to be placed on the agenda for the annual meeting, which according to the bylaws can be held in either April or May.

The motion to hold district meetings annually was one of three proposals that received approval. However, attorney Wiggins explained that motions from the floor don’t immediately go into effect. Instead, they are placed on the agenda for the annual meeting to be put up for final approval the following year, she said.



The other two proposals that will be on the ballot for the annual meeting in 2013 are for mail-in ballots to be counted toward the quorum and, since the redistricting plan was approved, trustees from each of the five districts appoint a judge and two alternatives to count ballots at the annual meeting.

If the current board scored any victories at Saturday’s meeting, it was that a proposal to reduce the amount of its compensation will not be on the ballot next year.

Richard “Arf” Epstein, who originally proposed the resolution that limited the amount of the board’s compensation to \$10,000 per trustee and \$15,000 for the board president that was passed in 2010, said that limit hadn’t proved effective. He then proposed that the limit be reduced to \$5,000 per trustee and \$10,000 for the president.

A voice vote on the proposal failed to conclusively determine a result. Defeat of the measure became clear after Bustamante called for a show of hands.



The Aftermath

Afterward, General Manager Herrera said he was happy to see so many people show up.

“I’m glad we had a quorum,” he said.

Herrera said the co-op spent about \$44 per vote to pay an independent firm to administer an election that didn’t count because of the lack of a quorum.

Bustamante said he was happy that something was accomplished.

“I’m glad the redistricting passed,” he said. “The rest of the stuff will work out. We can move on after that.”

With redistricting in place, it leaves questions as to how the board will proceed in getting down to five members — one representing each district.

It’s a rather convoluted situation. The number is being reduced by attrition — that is, when terms expire. But district elections are staggered in different years. District 3 (Socorro), for instance, wouldn’t be reduced to one trustee until 2014.


“Our attorney will have to look at it,” Bustamante said. “There are a lot of unanswered questions about how we’ll proceed. Hopefully, we’ll have some answers in a few months.”

Bustamante said he was disappointed members didn’t vote in favor of the proposal to elect two at large members to make for a total of seven trustees. He said he thought the proposal to have mail-in votes count toward a quorum was a good idea.

“It’ll give more people a voice,” he said.

Members who had used their voices to create change on Saturday left Macey Center feeling satisfied with what had transpired.

“I think it’s positive and a long time coming,” said Carlton Armstrong, a member from Quemado. “It’s a shame people who were elected as




representatives are opposing what the people want. But I think good things are to come and I hope people will start developing trust in their trustees.”

Armstrong said he appreciated the work of co-op employees and the efforts by Wagner, who represents his district, to facilitate change. He added that he hoped the lawsuit the co-op brought against its members, now facing a countersuit, would be resolved soon.

“I would hope the court would make them (the trustees) pay. I don’t believe it should be up to us to pay for it,” he said.

Pattie Preston, another member from District 5, the western part of the co-op’s service area that was well represented at the meeting, said she, too, was pleased with the result. The only thing she wasn’t happy about was the hostility.

“I don’t like it when people boo; that’s rude. People should be allowed to talk,” she said.



Preston said she was most pleased the redistricting plan was approved.

“Redistricting will make it more equal for all people,” she said. “It evens things out and makes it a lot more fair.”

Preston said she felt there was still more work to be done before reform is complete, but she was optimistic about the co-op’s future.

“It’ll get there,” she said. “If the bylaws don’t work we can always change them. We can keep on trying until we get it right.”

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Member-owners have 15 resolutions to consider at co-op annual meeting

by T.S. Last | April 14, 2012 | Filed under: News

Socorro Electric Cooperative will hold its annual meeting today (Saturday, April 14) at Macey Center on the campus of New Mexico Tech in Socorro. Registration takes place from 1 to 3 p.m., and the business meeting gets under way at 3 p.m.

As a private, non-profit corporation, Socorro Electric is owned by its customers. Anyone who pays an electric bill to the co-op is a member and has a right to vote on proposed amendments to the bylaws. The proposals were published in this month's edition of Enchantment Magazine, which was mailed to all customers two weeks ago and are posted on the co-op's website, www.socorroelectric.com.

All 15 of the proposed bylaw amendments are being presented by the co-op's board of trustees. Several are editorial amendments that revise or correct terminology to existing bylaws to clarify language. The others are revisions that would substantially change bylaws and a few are new bylaws.

A contingent of member-owners of Socorro Electric are steadfastly opposed to changes they say effectively undo what members voted for in 2010 when a bevy of reform-related resolutions were passed by overwhelming margins. But trustees have argued some of those new bylaws are too restrictive and the board cannot operate effectively and in the best interest of members unless they are changed.

Among them are:

- Increase the size of the board to seven members, with two additional members elected to at large positions at the annual meeting.
- Raise the cap of trustee compensation to no more than 1 percent of revenues.

- Allow the board to make financial and in-kind contributions to non-profit corporations within the co-op's service area where appropriate.

Justifying Changes

At the February meeting of the board of trustees, when the board approved recommended changes presented by the bylaw committee, Trustee Donald Wolberg of Socorro outlined the reasoning behind these proposed changes.

He said members didn't realize what they were doing when in 2010 they voted to reduce the size of the board from 11 to five members. He said a board of five made it next to impossible to form committees, since more than two on a committee would create a quorum of the board.

"Nearly every other co-op in the state understands that," he said, and recapped an analysis of the boards of the 15 other co-ops in New Mexico. Mora-San Miguel Electric Cooperative is the only one with a board of five trustees, he said, and added that Mora-San Miguel was struggling. The analysis shows that two co-ops have boards of 11 trustees, one has 10, five have nine, two have eight, and four have seven.

Of the three co-ops that operate partly in New Mexico and partly in either Arizona or Texas, one has a board of 13 members and the other two have eight.

Socorro Electric's proposal for a seven-member board was reasonable, he said, putting it at the lower end of the list.

While members voted for a five-member board in 2010, Socorro Electric has been operating with 10 members for the past two years, as trustees are being allowed to serve out the remainder of their four-year terms.

Wolberg said raising the limit on compensation was in line with what most cooperatives in the country operate under, and some allow as much as 2 percent of revenues.

In Socorro Electric's case, which he said generates between \$220 million and \$200 million each year, compensation would be limited to between \$220,000 and \$200,000 per year.

Socorro Electric's trustees incurred expenses — including travel expenses, per diem, fees for attending meetings and insurance coverage — totalling \$492,000 in 2009. Members in 2010 voted to limit expenses to \$10,000 per trustee and \$15,000 for the board president, which now puts the cap at \$105,000 per year.

Wolberg said that's not enough to allow trustees to attend training sessions and conferences where important issues that impact the electric industry are discussed. The current limit does not allow board members to get the education they need to make informed decisions and that doesn't do justice to co-op members, he said.

"We have to have the ability to do it," he said.

Members voted to restrict co-op donations to organizations two years ago, limiting them only to groups that serve children. As a result the co-op was forced to pull its sponsorship of events, such as the Socorro Open golf tournament, and contributions to adult service organizations.

A New Alignment

The board has come up with a new plan for redistricting, something members mandated in 2010.

Last year, a redistricting proposal designed by an in-house committee was presented at the annual meeting. But because that meeting did not achieve a quorum it failed to pass.

The new plan was developed with the assistance of an independent outside firm, Research and Polling of Albuquerque. It redefines the co-op's five districts with populations nearly equal, ranging from 1,973 to 1,995.

Redistricting of the co-op's service area hasn't taken place in decades and due to population shifts, increases and decreases, districts had become unbalanced.




Other Changes

The co-op board is proposing a change to a bylaw that outlines how a trustee can be removed from office.

Currently, trustees can be removed by a recall election held in the district that trustee represents. For the special election to take place, a petition signed by 10 percent of members within that district must be turned into the co-op.

The new proposal gives the board the authority to call for a special district meeting with an 80 percent vote of the full board.

Another change reduces the time allowed for notice to be given for special meetings from five to three days. Another change reduces the time for notice of an emergency meeting to little or no notice, if the issue to be addressed presents an immediate threat to the health, safety or property of a member or members, or was likely to result in a substantial economic loss.




These proposals are meant to align the co-op's bylaw with recent changes to the New Mexico Open Meetings Act. Members voted to require the board to abide by OMA at the 2010 annual meeting, but the co-op challenged the members' authority to do so two months later by filing a lawsuit against its members, which it ultimately lost.


One New Proposal

A new proposal gives the co-op the right to seek recovery of costs for lawsuits filed against it that are deemed to be frivolous.

“A disturbing fact of electric cooperative existence in New Mexico and elsewhere is the growth of the number of lawsuits filed against cooperatives,” reads the explanation for the proposal published in Enchantment and posted on the website. “Unfortunately, there are a growing number of frivolous actions filed solely for monetary gain or other less than substantive reasons.”



The notice cites a case against Jemez Mountains Electric Cooperative for up to \$5,000 per day for alleged trespass across private property.



While frivolity hasn't come up as an issue, Socorro Electric is currently defending itself against at least three lawsuits — two brought by former managers and another a countersuit that came in response to the lawsuit the co-op filed against its members.

Socorro Electric is encouraging members to attend today's meeting in order to assure a fair democratic process. Voting on the amendments begins during the time of registration.

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Co-op Reform Group plans tailgate party

by T.S. Last | April 11, 2012 | Filed under: News

Tailgating is an activity typically held before football or baseball games. But this Saturday, a group of reform-minded folks are planning to hold a tailgate party in the parking lot of Macey Center prior to Socorro Electric Cooperative's annual meeting.

"The idea is to attract as many voters as possible to the meeting to avoid lack of quorum," said Herb Myers, a co-op member who is in charge of planning the event. "A number of us talked about what we could do, particularly to attract out-of-town voters, and thought we'd make it fun by having a tailgate and give them information about what the issues are prior to the voting."




The tailgating party, scheduled to begin at 1:30 p.m. and continue until the meeting begins at 3 p.m., is sponsored by the Socorro Electric Cooperative Reform Group, so the information served up is likely to be garnished just one way.

The group is encouraging members to vote against all the resolutions being presented this year, except one that realigns districts — something members voted in favor of two years ago.

In addition to talking about the issues, "We'll offer hot dogs, mustard and relish and popcorn," Myers said. "It's all free. We're inviting everybody else to bring their own drinks or a side dish, maybe some chile. We have a limited number of tables, so we're asking people to bring chairs."

Socorro Electric used to provide hot dogs and doughnuts at the annual meeting, but cut back its refreshments budget a few years ago.



Myers said members of the reform group took it upon themselves to reach into their own pockets to help pay for the hot dogs and popcorn. Others made phone calls.

“We raised \$300 within the first 20 minutes,” said Charlene West, who serves as chairperson of the reform group, “and people are still sending money.”

West said it’s not just people who are part of the reform group. She’s heard about other people not formally associated with the group who have printed up fliers and are distributing them in their neighborhoods.

“That’s not us; it’s people doing it on their own,” she said. “I think it’s fantastic that people are doing that. It’s people moving and people talking. It’s growing by leaps and bounds.”

Co-op President Paul Bustamante did not immediately return a phone call on Tuesday, but Socorro Electric issued a press release on Monday that also encouraged members to attend the annual meeting.

“To have an efficient and effective discussion at the Annual Meeting and to ensure a fair democratic process, depends on good communication and full access to the Board’s reasoning behind the amendments to the by-laws,” the press release reads.

The board published the changes they’re proposing and explanations for doing so in this month’s Enchantment magazine. They are also posted on the co-op’s website, www.socorroelectric.com.

The press release says that General Manager Joseph Herrera can be contacted for information on the agenda or the proposed bylaws and lists the phone number 575-835-0560.

The Rise of Reform

The co-op reform movement took rise in 2008 when an Albuquerque Journal reporter did a story, also published in El Defensor Chieftain, comparing expenses incurred by boards of trustees of rural electric cooperatives throughout the state. It revealed Socorro Electric’s trustees were compensated \$275,178 in 2006 — about \$118,000 more than any of the other 15 co-ops that operate in the state.

Socorro Electric trustees' compensation, which included expenses for travel per diem and insurance, increased to \$492,000 in 2009. That year, member-owners of the democratically controlled co-op, poised to introduce changes at the annual meeting, were thwarted in their effort to initiate reform when one trustee killed the meeting by disputing the presence of a quorum.

Later that year, three longstanding trustees were ousted in district elections in Socorro, and Trustee Charlie Wagner, a leader in the reform movement, won re-election at the district meeting in Magdalena.

The reform movement's momentum continued to pick up steam when members overwhelmingly passed a bevy of new bylaws bent on change at the 2010 annual meeting. The board continued to fight reform by challenging three new bylaws that called for increased transparency. In order to do so, the co-op took the unprecedented step of suing its members — a lawsuit it eventually lost.

In the meantime, numerous other circumstances came to light that did not reflect well on Socorro Electric management. The co-op fell into technical default on federal loans; two managers were fired in wake of an investigation into financial irregularities, which led to several lawsuits being filed against the co-op; and it was discovered that customers had been overcharged about \$1.8 million over a period of five years.

Some of the reform measures have taken hold. After the judge ruled against the co-op in May 2011, Socorro Electric has begun to follow the Open Meetings Act, patronage capital is being reported to members and checks have been issued, and board expenses have been reduced to \$105,000 per year.

But several of the new measures, such as reducing the size of the board from 11 to five and realignment of districts, have yet to take effect.

And some of the board-sponsored resolutions being introduced at this year's annual meeting effectively set out to undo what members voted for in 2010.

That has riled up members once again.

“Our greatest concern is that we haven’t been able to enact the changes we voted in a few years ago and the court affirmed,” Myers said.

“If they (the board of trustees) would have followed all the bylaws members proposed, the co-op would be in much better shape,” West said. “It’s going on five years we’ve been fighting this, and it shouldn’t be a fight ... The only side there should be in this is the members’ side.”

Distrustful of Trustees

Count Sherman Yates as another member upset with the co-op’s board for, what he says, is its lack of willingness to go along with the members’ wishes.

“It sounds to me like they’re just trying to undermine the members and undo what we did at the last meeting,” Yates said. “I hate to say it, but I have absolutely no faith in the board right now.”

While members voted to reduce the size of the board in 2010, that hasn’t happened yet. Trustees are being allowed to serve out their terms and none of them have expired since then.

Now, citing that only one other co-op in the state has a board of as few as five members, trustees are proposing a seven-member board, adding two at-large members.

“Those at-large members are supposed to be selected at the annual meeting, but very seldom have they had a quorum at the annual meeting,” Yates said. “And you know they’ll just pick people from Socorro. To me, it’s another form of manipulation by the board.”

Another resolution the trustees are proposing is to increase their allotted expenses to 1 percent of total revenues, which translates to about \$220,000 per year, or more than double what they’re getting now.

Board members have said the spending cap is too restrictive. The new bylaw that limits each trustee’s compensation to \$10,000 per year isn’t in the best interest of co-op members, they say. They’re not able to get the education and

training they need or be present at conferences where important issues are discussed that help them make informed decisions.

Yates disagrees. He thinks that staying informed is important but in this day and age a lot of that can be done online or through teleconferences, he said.

"I see no reason to pay these guys to travel all over the country. To me, we're paying them to go on vacation," he said.

Living in Datil, Yates is the kind of person the reform group is trying to reach with the tailgate party. But he won't be present on Saturday. "I've got bad knees and I'm on oxygen," said Yates, who planned to send in a mail-in ballot instead. "I think mail-in voting is a good deal. There are a lot of people who live out by the Arizona line, and that's a long way for them to go, especially with the cost of gas. But I think the (mail-in votes) should count toward a quorum."

Mail-in voting was another new measure passed by members in 2010. It was employed for the first time at last year's annual meeting and 367 people took advantage of the convenience. But because only people present count toward the quorum, it was all for naught.


Still Skeptical

Richard Sonnenfeld of Socorro was more measured in his comments about the board, though he, too, has little faith in their governance.

Sonnenfeld commended the co-op for some of the changes it has made in the last two years. Socorro Electric has begun to pay patronage capital back to members, its website is improved and transparency has crept into daily operations, he said, and the board has addressed the issue of financial irregularities, "which somehow they did not discover until reform began," Sonnenfeld pointed out.

He also said the three new board members voted in as reform candidates seem to have the members' interests at heart.

"But the board, as a whole, has behaved so badly that it's safer to assume the entire board is tainted," he said.




Sonnenfeld said he studied the proposed resolutions posted on the co-op's website, but he found them to be hard to follow and the explanations unconvincing.

“The last item on the ballot explicitly tries to eliminate the spending caps that members imposed two years ago, and there are others that are clearly intended to protect the status quo,” he said.

Sonnenfeld said given their past record, he found it hard to put any trust in this group of trustees.

“Had the SEC board not fought reform tooth and nail for two years and sued its members, I might have been persuaded by their arguments,” he said. “However, I think the members’ priority now should be to remove as many trustees as possible.”



For that to happen, members would have to pass the one proposal Sonnenfeld said he'd vote for. It's the one that approves new district alignments. That way, the bylaw members passed in 2010 that called for five districts of equal member populations, each represented by one trustee, could be put into effect.


Forcing Change

Myers and West feel the same way.


“We'll never stop what I consider to be fraud and malfeasance, the overspending and kickback schemes — we won't get clear of that if these guys retain control,” Myers said.

Myers also took issue with a proposed bylaw that takes removal of a trustee out of the hands of the people in the district that trustee represents and gives the board the authority to remove them.

“That's obviously aimed at getting rid of Charlie Wagner, without any say so from the members,” he said.



“Every bylaw they've proposed is for the good of the board and not the members,” West said. “People are fed up.”




West said she's tired of fighting the board and she doesn't understand why they continue to fight reform.

"It would have been so simple, if they would have just followed the bylaws after they were passed," she said.

West said when members passed the reform measures in 2010, the board should have formed a committee of members and together they could have sketched out a plan to implement reform. Instead, they fought reform and divided the community, she said.

"They haven't asked to work with us in any way. If they would have worked with us, it would have made a difference," she said.

If the board won't agree to reform, members have to take it upon themselves to force change with a show of force, she said. But nothing changes if there is no quorum.



"People have to stand up and be counted," West said. "We have to let them know that we're still here and we're not going away."

And if it takes hot dogs and popcorn to entice them, that's what they'll do.

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Co-op members: You are on notice

by T.S. Last | April 7, 2012 | Filed under: Opinion

Socorro Electric Cooperative will hold its annual meeting on Saturday, April 14, at Macey Center on the campus of New Mexico Tech in Socorro. Registration is from 1 to 3 p.m. The business meeting gets under way at 3 p.m.

I tell you this because the co-op has done little to inform its member-owners (yes, the people who as defined by state and federal acts actually own the rural electric utility). And by law electric co-ops are set up as democratically controlled corporations run by their members.

Sure, they've posted notice of the meeting on their website, but when was the last time you were inspired to visit the co-op's website?


They also sent notice, which appropriately lists the measures to be voted on, in the latest edition of Enchantment magazine. But judging by how many of those ended up in the trash can at the post office, not very many people saw it.

It's not their duty to do so, but it's been a group of members interested in co-op reform who have done a better job of sending notice — handing out fliers, posting them in public places, blasting emails and talking it up.

In the past, Socorro Electric sent notice of its annual meeting in the mail — either along with bills (not something people are likely to throw out) or separately and not in a form that is most recognizable as junk mail.

Enchantment may have been a way to save money on postage, but it sure wasn't a good way to notify members. A separate mailing might have cost \$5,000 to notify 10,000 members, but that's a mere pittance compared to the amount being spent on lawsuits.

And notice of the annual meeting is arguably the single most important message/obligation the co-op has to give its membership. It's not the kind of thing it should be pinching pennies over.




I'm admittedly biased, but Socorro Electric would have done its members a better service by publishing notice and the resolutions in El Defensor Chieftain.

Cities and counties are required by law to publish in what are defined by state law as legal newspapers, of which El Defensor Chieftain is the only one in Socorro and Catron counties, legal notices of what will appear on the ballot in advance of elections.

No, that law doesn't apply to co-ops, but if Socorro Electric was sincere and proactive about transparency it would have done it.


I emailed Socorro Electric's general manager, Joseph Herrera, to express my opinion about it and told him I was sending our sales representative over. He wrote back to say members were told notice would be published on the website and in Enchantment when a letter was sent out last month regarding mail-in ballots and that Socorro Electric had fully complied with its bylaws regarding giving notice.



Still, the co-op could have done a better job of shedding light.

So what's on the ballot? As a public service I'll provide a summary and give you my take on what they mean. If you want the co-op's take, you'll have to reach out to them.

The ballot includes a series of proposed resolutions submitted by the board of trustees — the same folks who voted to sue you, at your expense, two years ago. Don't read into that. They're not all bad resolutions. Just most of them are.

- There's a bunch of editorial revisions that clarify language, correct terminology and change the order of business at district and annual meetings. These appear relatively harmless, unless I'm missing something.
 - A proposal to realign districts. This is a mandate proposed, and overwhelmingly approved, by members two years ago. It's much better than the one that was up for vote at last year's meeting — the one members stayed away from in droves.
- 

If it passes, and I truly hope it does, it creates five districts containing about as equal a number of members in each district as you could possibly hope for. Approving it is essential not only to assure equal representation, but to move co-op reform forward. Without it, it could short circuit progress for yet another year.

- A proposal to add two at large members to the board of trustees, bringing the number to seven. The co-op argues that five is too few and that may be true. Only one of the other 15 co-ops in the state operates with just five trustees.

The problem is the two at large members can come from any district. It is well within the realm of possibility the at large board members would come from the same district (Socorro). Although no district could achieve a majority on the board, it would come close. All that would be needed to create a majority alliance that could control the board would be for one trustee from another district to join them.

- A proposal that changes the bylaw regarding the removal of trustees. This one is well scripted, including language “to protect the interests of SEC members,” “ensure the integrity of the board” and to ensure “that board members are free to voice their opinions and concerns.”

What it doesn't say is it'll make it a lot easier for the board to get rid of Charlie Wagner, the rabble rousing trustee leading the reform movement. That aside, what it does is takes the authority to remove a trustee out of the hands of the nearly 2,000 people the trustee represents and puts it in the hands of a handful of people.

- A proposal to increase the compensation trustees receive to no more than one percent of revenues. It puts compensation more in line with other co-ops. It's probably a legitimate proposal. But coming from a board that spent members' money to sue them and for years received compensation well in excess of that paid to trustees at other co-ops — nearly \$500,000 in 2009 — they'll have a hard time convincing members it's for the good of the co-op.

- Two proposals that reduce the requirement for notice of special meetings from five to three days and notice of emergency meetings to really no notice at all. Though these are in line with revisions to the Open Meetings Act, those revisions make it too easy for the board to take action without members knowing about it. This proposal may not even be necessary, since there's already a bylaw that requires the co-op to abide by OMA.
- A proposal that allows Socorro Electric to seek recovery of costs incurred for defending itself against "frivolous" lawsuits. While that would make sense, I'd rather see a proposal that allows members to receive recovery of costs from a board of trustees that chooses to sue them.
- A proposal that allows the board to make contributions to nonprofit groups or provide sponsorships.

Call me a softy, but I'm conceptually on board with this one. Any profitable business should be charitable, give back to its community and be supportive of worthy causes. What's wrong with this proposal is it lists no restrictions and places no limit on how much can be contributed to a single entity. And who is to say what beneficiaries are, to use their word, "appropriate."

That's my take, but everyone should decide for themselves. So dig that copy of Enchantment out of the trash can, or go online, if you own a computer, and study the measures yourself. Then decide for yourself and, most importantly, show up next Saturday for the annual meeting.

Once again, registration is from 1 to 3 p.m. at Macey Center. The business meeting begins at 3 p.m.

Democracy only works if you show up.

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SEC trustee outed for recordings

by T.S. Last | March 31, 2012 | Filed under: News

Socorro Electric Cooperative board of trustee meetings are often colored with fireworks, and Wednesday's meeting was no exception. Co-op attorney Lorna Wiggins dropped a bombshell by reporting that Trustee Charlie Wagner had privately been tape recording board meetings, including discussions that took place during executive sessions.

"Statements made in executive session are confidential," Wiggins said. "The tapes were secretly made and with no one's consent. That means the conduct was willful and intentional."

Wiggins called Wagner's actions a serious breach of a trustee's fiduciary duty and the co-op's code of ethics.




"In executive session trustees debate sensitive issues, including personnel issues and litigation — precisely what the Open Meetings Act protects against," Wiggins said. "That is why litigation and litigation strategies are covered so that they may be discussed openly and frankly and board members do not have to be concerned about speaking in public view."

What makes the recordings so concerning is that Wagner, a leader in the movement to reform the co-op, is involved in a lawsuit against Socorro Electric. He was initially listed as representative of the class of member-owners in a proposed class action lawsuit.

Wiggins said Wagner is considered an adversarial party to the co-op in the litigation and he should be excluded from executive session under the tenet of attorney-client privilege.

"What recourse do we have?" Trustee Leo Cordova asked the attorney.



Wiggins said the board doesn't have the authority to remove Wagner as a trustee under the bylaws, but she recommended the board forego executive session if Wagner was to be a part of it.

Wagner, who has been excluded from executive sessions for the past several months because of his involvement in the lawsuit, said he would not sit in on the executive session. He asked for the opportunity to explain himself, but his request was not granted by Dave Wade, who was serving as chairman of the meeting.

"I've been accused by the attorney and lied about by others," Wagner said. "Am I to understand after hearing these charges I am not being allowed to speak?"

That was the case, as the board voted to go into executive session to discuss current litigation.

The Explanation

Outside the board room during executive session, Wagner admitted he tape recorded approximately two dozen meetings, though executive sessions were held during only four or five of them, he said.

"They were done only during those meetings that had already violated the Open Meetings Act and were null and void," he said. "In none of those meetings did they abide by OMA when they went into executive session."

Wagner said he started tape recording meetings about the time members in April 2010 passed a new bylaw that required the co-op to follow open meetings rules, but the board refused to do it. He said he stopped recording meetings last year after a judge ordered the board to follow OMA and the board took action to remedy action it had taken over the previous 15 months.

Wagner said taping the meetings was justified because the meetings weren't legal.

"When they went on (not following OMA), I decided to tape record the meetings, knowing they weren't following OMA. I couldn't follow OMA without them," he said.

Asked if he was being hypocritical by advocating for open meeting laws and then violating one of its major rules, Wagner said, "How can one person follow

OMA if the meeting wasn't announced properly? They were already making the meetings null and void."

Wagner said he started recording meetings under the advice of attorneys, but he declined to say how he went about taping them.

Ties with Torres Case


When the board returned from executive session, Wiggins announced that only litigation involving the members' lawsuit against the co-op and a separate lawsuit brought by former Office Manager/Accountant Kathy Torres were discussed and no action was taken.

It was Torres' lawsuit against Socorro electric, its president, Paul Bustamante, and Wagner that brought the tape recordings to light. Torres, who was fired in August 2010 amid an investigation into financial irregularities, previously charged Wagner with sex and racial discrimination and is seeking damages for loss of income and benefits, back-pay and front-pay, punitive damages and pre- and post-judgment interest.

Wiggins said four tape recordings Wagner made were inadvertently turned over by his attorneys to a lawyer representing Torres. When Wagner's attorneys asked for them back, Torres' lawyer refused, prompting Wagner's attorney to file a motion for a protective order.



An examination of the case file shows the motion for protective order was filed March 5 by Wagner's attorneys, Donna L. Chapman and David A. Gonzales of the Allen, Shepherd, Lewis, Syra & Chapman law firm of Albuquerque. It reveals that tapes from five board meetings in 2010 were inadvertently turned over to Torres' attorney, J. Edward Hollington, also of Albuquerque, on Jan 12. Four of them included conversations that took place during executive session and one of them included a post-meeting conversation that took place between Wagner and his wife when Wagner forgot to turn off the recorder during their drive back to Magdalena.

Earlier this week, District Judge Karen L. Parsons of Carrizozo issued a stipulated order to vacate and reset a hearing that had been set for May 3.



One of the matters that has yet to be decided is a motion by Torres' attorney for a change of venue out of the Seventh Judicial District Court in Socorro. The motion to change venue cites the probability that an unbiased jury could not be impaneled in Socorro because of the co-op's "undue influence" over potential jurors and "public excitement" created by media attention.

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Countersuit against Socorro Electric hits a snag

by T.S. Last | March 28, 2012 | Filed under: News

There's been a snag in Socorro Electric Cooperative's member-owners' countersuit against the co-op, but the judge presiding over the case says it won't take much to unravel.


A status hearing scheduled for March 21 in district court in Los Lunas was vacated two days before that date due to what the judge described as "technicalities" with new filings from attorneys representing the members. A telephonic hearing was held instead the week before to discuss an amended countersuit that replaces the named parties in the countersuit.

Though the scheduled hearing was delayed, District Judge Albert J. Mitchell Jr. said in a phone interview on Monday that straightening out the details will ultimately help the case move along.



"It was a major step forward as far as moving the litigation forward," he said. "Litigation of this type, probably half the time, this is necessary. You start and everybody looks closer and gets the opportunity to get focused in and see where they are going."

The countersuit was initially filed two months after Socorro Electric filed a lawsuit against all of its approximately 10,000 member-owners in June 2010 in an effort to block new bylaws that called for it to operate with greater transparency. It named 10 current members of the board of trustees, four former trustees and the co-op's former general manager as defendants, charging them with breach of fiduciary duty, fraud and wasteful spending. District 5 trustee Charlie Wagner of Magdalena, a leader in the movement to reform the co-op, was named as representative of the class in the countersuit, which requests class action certification.



The amended motion, filed March 12, names Socorro Electric as the defendant and replaces Wagner with members Carol Auffrey of Quemado and Herbert Myers of Socorro as representatives of the class.

Mitchell said one issue was that the attorneys representing the members, the Ikard Wynne law firm of Austin, Texas, jumped the gun by filing the amended version before he gave them permission.

“Electronic filing is a wonderful thing,” Mitchell said, “but sometimes you get to that bridge and there are bumps on that bridge, and we’re finding that we’re hitting bumps in a couple of cases.”

Judge Mitchell said he would allow the attorneys to revise their amended motion.

“We’ll see if the motion to amend meets the technicalities, and, if it does, then we can take up the motion for lack of jurisdiction,” he said.

Socorro Electric’s attorneys, the Kennedy & Han law firm of Albuquerque, filed its motion to dismiss the case for lack of subject matter jurisdiction in late January. The motion states that the countersuit violates the requirements established by the New Mexico Rural Electric Cooperative Act by failing to present factual pleadings contained in the claim.

“Several fundamental accusations are brought on the basis of ‘information and belief,’ with no factual support or information,” the motion reads. “These deficiencies in the cross claim are in direct violation of the explicit pleading provisions of RECA.”

If the countersuit is not dismissed, the next step would be addressing the class action aspect of the case, the judge said.

“We have to get class approved or disapproved and a representative in place before moving forward,” he said.

Mitchell gave no timetable as to when the next hearing would be set. Once the revised amended complaint is filed, the co-op would be given time to respond.

The judge did say he wanted to keep the case from hitting any more bumps in the road.

“I don’t want to start falling further behind,” he said.

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Attorneys amend complaint vs. co-op

by T.S. Last | March 17, 2012 | Filed under: News

Attorneys representing member-owners of Socorro Electric Cooperative filed an amended countersuit against the co-op in 13th Judicial District Court in Los Lunas on Monday. The amended version retains many of the same charges of breach of fiduciary duty by members of the co-op's board of trustees and the former general manager, but differs from the original complaint by naming different parties to the lawsuit.

The initial cross claim, filed in August 2010 in response to Socorro Electric's lawsuit against its members, named current and former co-op officials individually as defendants. This one lists Socorro Electric Cooperative, Inc. as the cross claim defendant.

In addition, Carol Auffrey of Quemado and Herbert Myers of Socorro are named as cross claim plaintiffs and representatives of the class in the countersuit, which asks for class action certification. They replace Charlie Wagner, a member of the board of trustees and a leader in the movement to reform the co-op.

The countersuit came in response to a lawsuit Socorro Electric filed against all of its approximately 10,000 member-owners in June 2010 in an effort to block new bylaws that require it to operate with increased transparency. Though the co-op lost the lawsuit, Judge Albert J. Mitchell Jr. allowed the case to continue to consider the merits of the countersuit. He has yet to decide whether he'll accept it or certify the class, but opened the case up to discovery to assist him with the decision.

A status hearing was scheduled for Wednesday in district court in Los Lunas, but an aide in Judge Mitchell's office said Friday that hearing will be postponed due to recent filings.

Unraveling Knots

If the amended version is accepted by the judge, it could potentially untie some snags created by the original countersuit.

Wagner, who has been excused from recent executive sessions during co-op board meetings because he was a party in a case against his colleagues, appears to be in the same boat with the rest of them in the amended complaint. It could also remove a stumbling block pertaining to whether Socorro Electric's insurance carrier is able to provide coverage to defend the case. Co-op attorneys have said Federated Rural Electric Insurance Exchange has interpreted the countersuit as a dispute between trustees, because of Wagner's involvement, and such disagreements are an exception to providing coverage.

The amended countersuit includes many of the same charges as the first version. It claims:

- the co-op long maintained a system of unequal and improper voting districts;
- patronage capital was withheld from members at times when they should have received payments;
- members of the board of trustees received excessive amounts of compensation;
- board members breached their fiduciary duty in numerous ways, including with regard to contractual obligations to co-op members and reporting financial and accounting records.

A copy of bylaws Socorro Electric was operating under prior to Judge Mitchell's order to update them last year is included as an exhibit.

Requesting Records

In support of its argument that trustees received excessive compensation, the amended countersuit cites the amount of compensation received by several board members, as reported by the co-op on IRS 990 forms.

“On information and belief, compensation received by the board of trustees of the SEC, including former trustees and officers, are many multiples of the compensation paid other similar persons working in similar positions for similar organizations,” the complaint reads.

It goes on to claim “The SEC’s conduct in failing to report or reporting inaccurate information to the IRS constitutes a breach of fiduciary duty to the cross-claim plaintiffs and to the class.”

The complaint states that members were not notified of patronage capital — money members of the private, non-profit corporation accrue over time when the operation is profitable — contrary to the bylaws and Rural Electric Cooperative Act.

The filing seeks injunctive relief from the judge to realign voting districts:

“Cross-claim plaintiffs and the class request that the court enter an order that provides for and requires the formation and implementation of new, revised trustees’ election districts in a manner the court deems practicable in accordance with the spirit of ‘one man, one vote.’”

A redistricting plan will be up for vote by the co-op’s membership at the annual meeting on April 14.

Not Immune

The complaint also asks for the judge to order the co-op to provide accounting records for the past 10 years and to appoint an independent accounting firm to review them.

While individual trustees and former co-op officials are no longer specifically named in the amended complaint, the revised version still asks that they be held accountable and be disgorged for all expenses and compensation deemed excessive.

The complaint asks the judge to “Enter judgment that SEC is liable for exemplary damages based on malice, willful, reckless or wanton behavior, behavior or acts or omissions done in bad faith by the SEC or the board of

trustees in an amount sufficient to punish SEC and to deter similar conduct in the future.”

Members would be entitled to damages in the amount of patronage capital that the complaint claims should have been retired and paid to them during the relevant time period, and attorneys representing members would be awarded fees.

The amended complaint was filed by William “Bill” Ikard of the Ikard Wynne law firm of Austin, Texas, which in 2009 helped win a class action settlement against Pedernales Electric Cooperative that resulted in a \$23 million being returned to members in the form of patronage capital. Ikard Wynne has been working in concert with the Deschamps & Kortemeier law firm of Socorro, attorneys for Auffrey and Myers.

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Co-op trustees settle on proposal

by T.S. Last | March 7, 2012 | Filed under: News

A new plan for realigning districts within Socorro Electric Cooperative's service area will be brought before members for their approval at next month's annual meeting. After considerable debate, the co-op's board of trustees selected one of two proposed plans during its meeting on Feb. 29.


District realignment, something that hasn't taken place in more than 20 years, was one of a series of reform measures passed by members at the annual meeting in 2010. Though a plan was presented at last year's annual meeting, a quorum wasn't present so no changes were approved.



District 3 Trustee Donald Wolberg of Socorro, who served as chairman of the re-districting committee, introduced the plans. He said it was a tremendous challenge dividing up the service area into five districts of approximately equal populations, as members directed them to do. That, he said, wasn't in accordance with National Rural Electric Cooperative Association guidelines, which state that such things as geographic boundaries and common interests should be taken into consideration.

"It's not perfect. It doesn't meet the standards of the national organization, but we're caught between that and what members ordered us to do," he said, adding that members didn't understand the complexities when they passed the resolution two years ago. "We were ordered to devise five districts with as equal populations as possible. We have no choice."

Another problem, he said, was that there are 9,943 members but about 13,000 accounts, because some members had multiple meters. And those numbers were always fluctuating.



"This is a moving target, because we gain membership and we lose membership," he said, recommending that redistricting should take place every four years. "Nothing is perfect. These are good tries."

Wolberg noted that the plans were devised by staff with assistance from Research & Polling, a firm that has worked on realigning legislative and Congressional districts within the state.

Both plans came up with similar populations within districts. Plan A, however, was more uniform geographically, with boundaries less contorted. Plan B, similar to the one presented last year, had two geographically smaller districts centered around Socorro, and split the city down the middle.

Wolberg said there was no getting around the fact that Socorro had a more dense population than any other part of the service area.

The first matter addressed by the board was whether to present both plans to the membership or only one. It was first suggested that the board choose between the two.

“Why does the board have to narrow it down?” asked District 5 Trustee Charlie Wagner. “Why not let the members choose?”

“I have no horse in this race,” Wolberg said. “It’s up to the board to decide.”

Wagner wanted more time to review each plan and made a motion to table the item. But President Paul Bustamante said there was no time to postpone a decision. Mail-in ballots needed to be prepared ahead of the April 14 annual meeting.

“We have to do it tonight,” he said.

After a motion was made to present both plans, the vote was split, 4-4, so the decision ultimately came down to Bustamante to break the tie.

“This is going to be tough,” he said, pausing to ponder his vote. “To be honest, I’d rather go with one option.”

So then the board had to decide which plan to advance to the membership.

District 3 Trustee Leroy Anaya didn’t like either option.

“I’m still not happy with the alignment,” he said. “I just think Polvedera and Lemitar should be together.”

Both options placed Polvedera and Lemitar in different districts, the boundary between districts 1 and 4 running to the south of Midway Road.

One difference was that Alamo and Magdalena were grouped together in District 2 under Option A. Option B placed Alamo in District 4 with rural community to the south and east.

Wolberg said Research & Polling suggested it was best to keep districts as consolidated as possible, and made the motion, seconded by Wagner, to choose Option A.

“We relied on the consultant, who said we want to try to avoid contortions, and Option A does that,” Wolberg said.

“It pretty much keeps communities together,” Bustamante observed.

District 4 Trustee Dave Wade agreed with Anaya, saying he didn’t like the alignments either.

“If it’s unworkable, which I believe it is, why do we have to split them?” he asked.

Because that’s what members directed them to do, said Trustee Luis Aguilar.

“This board didn’t split anything,” he said. “The members voted and it will be their wishes that we carry out.”

When it came time to vote, Option A was approved 5-3. District 1 Trustee Leo Cordova, who gains a little territory in the northern part of the county along the I-25 corridor, District 3 trustees Wolberg and Prescilla Mauldin and Wade and Wagner voted in favor, while District 3 trustees Aguilar, Anaya and Milton Ulibarri were opposed.

District 5 Trustee Jack Bruton was absent.

In Other Business

- The board approved an upgrade to the co-op's phone system.

General Manager Joseph Herrera said when he came on board a year ago the phone system had just four available lines. The new system will be automated and integrated with the co-op's billing software, allowing customers to inquire about account balances without the assistance of office personnel.

- During his manager's report, Herrera informed the board that a payment of \$17,500 was made to Federated Rural Electric Insurance Exchange to pay the deductible on four pending lawsuits against the co-op.
- An executive session lasting nearly 50 minutes was held to discuss a separate lawsuit filed against co-op officials. Attorney Darin Foster of the Kennedy & Han law firm of Albuquerque was on hand to discuss a countersuit that was brought after the co-op sued its members in 2010. Trustee Charlie Wagner, who was originally named as representative of the class of member-owners in the countersuit calling for class action certification, was not allowed in the executive session.
- Herrera reported that a software error caused the co-op to under-pay Gross Receipt Taxes during the third quarter of last year. As a result, an \$1,800 payment was made to the New Mexico Taxation and Revenue Department.
- Herrera addressed another accounting glitch he had brought up at the previous meeting regarding a miscalculation of the debt and fuel cost adjustment during the third quarter of last year. He said the error caused Tri-State Transmission and Generation, Inc, from which Socorro Electric purchases power, to undercharge the co-op by approximately \$196,000, which is in the process of being paid back.
- Herrera reported that an outage that occurred on Valentine's Day in the northern part of the county was apparently caused by a rabbit carcass jammed into a transformer. Herrera speculated that the rabbit was stashed there by a hawk.

The outage led to the discovery that more copper wire had been ripped and stolen from transformers kept in storage, Herrera said.

- The board approved new policies that require trustees to inform the board president or secretary if they are unable to attend a meeting and policies that address sexual harassment and whistle blowers that apply to co-op staff.

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Co-op board to offer new resolutions

by T.S. Last | March 3, 2012 | Filed under: News


Socorro Electric Cooperative's board of trustees voted to present a series of new resolutions at this year's annual meeting — three of which will undo bylaws members put in place in 2010 during a wave of reform. The resolutions were passed over adamant objections from one trustee who has been a leader in a movement to reform the co-op's business practices.

At the board's regular meeting on Wednesday, co-op attorney Lorna Wiggins outlined all the proposed changes, as recommended by the bylaw committee. The resolutions that change what members approved by overwhelming margins two years ago would:

- 
- Increase the size of the board to seven members, with two additional trustees elected to at large positions. Members voted to reduce the size of the board from 11 trustees to five, each representing one district.
 - Raise the cap placed on trustee compensation to no more than 1 percent of revenues, which translates to approximately \$220,000 per year. Members placed a limit on compensation of \$10,000 per trustee, \$15,000 for the board president, for a total of \$115,000 per year with the board at its current size and \$55,000 once the board is reduced to five members.
 - Allow the board to make financial and in-kind contributions to parties within the co-op's service area where appropriate. Members voted to limit contributions to youth organizations only.

The resolutions will be up for vote by members at the annual meeting on April 14.

When Wiggins finished, District 5 Trustee Charlie Wagner spoke out against the changes.



“What I think our attorney may not recognize is these proposed bylaws would reverse what members changed at the annual meeting in April of 2010 — many of which are not in place or this board has chosen not to obey,” he said.

The reduction of the board to five members has not taken place, as trustees are being allowed to serve out the remainder of their terms.

Wiggins, who’s firm began representing the co-op at the beginning of the year, told Wagner she was familiar with what transpired in the past.

“I am well aware of what the current bylaws provide and also well aware of the mechanism for members to make changes. It’s appropriate to present these,” she said.

District 3 Trustee Leroy Anaya, who served as chairman of the bylaw committee, which was made up of Leo Cordova, Donald Wolberg and Jack Bruton (though Bruton did not attend any recent committee meetings), said the changes were what the committee determined were necessary for the co-op to operate efficiently.


Wolberg, who frequently clashes with Wagner during board meeting, said that it would be up to members to decide whether to accept or reject them.

“I want to point out that Mr. Wagner’s idea of democracy is a strange one. He seems to think he knows what members want,” he said.

Wolberg went on to justify the changes addressing the board’s size and compensation. He said a lot of work went into studying the issues and it was determined that just one (Mora-San Miguel) of 18 other co-op’s operating in New Mexico had a five-member board. All the others had boards of at least seven and one (Rio Grande Electric) had a 13-member board.

Wolberg said the other co-ops understood that there was a lot of business to be taken care of and required larger boards.

As for compensation, Wolberg said it wasn’t unusual for co-op boards to incur expenses of 1 percent of revenues or more. Most co-ops, he said, found that it took 2 or 3 percent of revenues for boards to effectively conduct business.



“We have to have the ability to do it,” he said.


In response, Wagner read from the New Mexico Rural Electric Utilities Act, citing a passage that says the board of trustees establish the initial set of bylaws and then it’s up to members to make changes.

“Again, this is a duty of the members and not a duty of the board. It’s an exclusive right of the members,” said Wagner, who at previous meetings complained that members don’t have the opportunity to present new resolutions each year, as the board is accustomed to doing.

Wagner also argued against voting at the annual meeting to take place before there’s any discussion on their merits.

“You can’t go to the annual meeting and the first order of business is to vote,” he said.

Wiggins disagreed with Wagner on what is stated in the act governing co-ops.




“State law provides members the right to vote. It does not address who has the right to propose,” she said. “We’re not doing anything contrary to state law.”

Wiggins said the it wasn’t inappropriate for the board to propose resolutions, though it did have an obligation to inform members about the resolutions.

Trustee Prescilla Mauldin, who was elected as a reform candidate in District 3 in 2009 when the movement gained steam, said it still would be up to members to decide on the proposals.

“All we’re doing is presenting them to members. They can be voted up or down. We’re not telling members this is the way it’s going to be,” she said.

Wagner continued to argue that ever since district elections in 2009 — when members last had the opportunity to propose their own resolutions — the board has done nothing but work against members’ efforts.



President Paul Bustamante brought an end to the discussion and called for a vote. The board approved the resolutions, 7-1, with Wagner casting the lone vote against.

During the public comment period at the outset of the meeting, one member-owner chastised the board for its unwillingness to do what members have directed them to do.

Herbert Myers of Socorro, who recently was named as one of two co-op members to replace Wagner as representative of the class in a proposed class action lawsuit against co-op officials, accused board members of being in it for their own selfish interests and gain. He likened them to “gangsters” who “sustain each other because of your cowardice to stand alone.”

Myers said the board has exhibited a disdain for members who have tried to wrestle control of the co-op away from them.

“This board has become a breeding ground for ruling class contempt,” he said.

Other resolutions approved by the board:

- Address notification requirements for special meetings and emergency meetings to bring them in line with the Open Meetings Act
- Allows the co-op the right to seek recovery of costs for defending lawsuits deemed frivolous
- Outlines a new procedure for removal of a trustee. It would require a vote of 80 percent of the full board to suspend a trustee until a special or district meeting is held.
- Redefine district boundaries
- Make editorial changes bylaws to clean up language and grammar

In Other Action

- The board approved a new redistricting plan to be presented during the annual meeting. The board chose from two options, picking one that was mapped out with the assistance of a consulting firm, Research and Polling.
- The board unanimously approved a resolution opposing the Environment Protection Agency's implementation plan for the San Juan Generating Station.

Trustee Wolberg said the resolution was important in that Tri-State Transmission and Generation, Inc., which provides power to Socorro Electric, owns 8 to 9 percent of the San Juan station.

- The next meeting of the board of trustees was set for Wednesday, March 28 at 5:30 p.m.

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Most issues put off during co-op hearing

by T.S. Last | February 29, 2012 | Filed under: News

Little was accomplished on Monday during what was scheduled as a motions hearing in the countersuit against Socorro Electric Cooperative. The only matter addressed by the judge was on the co-op's motion for a protective order against a member of its board of trustees, who was initially named as representative of the class of member-owners in the countersuit, which calls for class action certification.


During the telephonic hearing that lasted less than 25 minutes, District Judge Albert J. Mitchell didn't rule on the matter but issued a stay in discovery until March 21, the date of the next hearing when that, and numerous other issues, will be addressed. That means for now the co-op doesn't have to turn over to District 5 Trustee Charlie Wagner information he requested regarding payments made to co-op attorneys.

Darin Foster, an attorney representing Socorro Electric, requested Monday's hearing so the judge could address several pending motions the co-op filed in recent weeks.

Attorneys who brought the countersuit answered back with several filings of their own — including one that amends the countersuit to remove Wagner as class representative, thus rendering some of the co-op's motions moot. Late last week they filed another motion to abate the hearing, given the short time frame.

Judge Mitchell admitted he hadn't read all the motions and responses that had been filed and expressed frustration that he scheduled a hearing to address all pending motions only to have more dropped in his lap just prior to the hearing date.

"I'm learning how many things start to happen the week before a status hearing," he said.




Mitchell told attorneys he wanted an agreed upon letter within 10 days, outlining exactly which motions, responses and issues were to be addressed at the March 21 hearing. He also moved up the time of the scheduled hearing, to be held at the 13th Judicial Court District Courthouse in Los Lunas, to 2 p.m.

“We’ve got a lot to do,” he said.

Foster and William “Bill” Ikard, the lead attorney bringing the countersuit, agreed that the first matter to be tackled during the March 21 hearing was the amended countersuit.

Ikard said if the judge agreed to grant leave, a lot of the co-op’s motions would be cleared up. If not, “we’ll have to go back to home plate and start over again,” he said.

“What Mr. Ikard is attempting to do is bring in defendants who are no longer defendants into this case,” Foster responded, but the judge cut him off.




“We’re not going to argue today,” Mitchell said. He then told the attorneys to narrow down what issues were to be discussed at the next hearing.

Mitchell also brought up the unresolved matter of attorney fees he awarded to Ikard’s Austin, Texas, law firm, the Deschamps & Kortemeier law firm of Socorro and Socorro attorneys Thomas Fitch and Polly Ann Tausch, all of whom defended the original case Socorro Electric brought against its member-owners. Mitchell previously agreed to temporarily delay payment, totaling \$13,000. He noted during Monday’s hearing that Fitch and Tausch had recently filed a motion requesting leave from further litigation in the case. The judge said he’d decide on those matters on March 21.

“I need to get that cleaned up,” he said.

Socorro Electric brought the original lawsuit against its member-owners in June 2010 in an effort to block new bylaws that require the co-op to operate with greater transparency.



The countersuit was filed against the members of the board of trustees who voted to bring the suit, four former trustees and the co-op's former general manager, charging breach of fiduciary duty, wasteful spending and fraud.

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Attorneys for co-op members answer back

by T.S. Last | February 25, 2012 | Filed under: News

Attorneys representing member-owners of Socorro Electric Cooperative on Thursday filed a motion for leave to amend a countersuit against the co-op. Also filed on Thursday were five responses to the flurry of motions Socorro Electric submitted in recent weeks.

A telephonic hearing to sort out some of the many issues now before the court will be held at 9:30 a.m. on Monday.

William "Bill" Ikard, of Austin, Texas, electronically submitted the latest filings in 13th Judicial District Court in Los Lunas, where Socorro Electric originally brought suit against all of its approximately 10,000 members in an effort to block new bylaws that require the co-op to operate with greater transparency.




Judge Albert J. Mitchell, appointed to hear the case by the New Mexico Supreme Court, ruled against the co-op last May, saying the bylaws were valid and were properly adopted.


In the meantime, Ikard, working in concert with the Deschamps & Kortemeier law firm of Socorro, filed a countersuit against nine members of the co-op's board of trustees, four former trustees and the co-op's former general manager, charging breach of fiduciary duty and fraud. The countersuit requests class action certification and named District 5 trustee Charlie Wagner, a leader in the movement to reform the co-op, as a class representative.

Judge Mitchell has yet to decide whether he'll grant class action certification, but has opened discovery on the issue and set dates for three additional hearings for later this year.

The motion to amend the countersuit now lists Herbert Myers of Socorro and Carol Auffrey of Quemado as class representatives.



"As this case has evolved, defendants wish to amend to avoid any potential conflict between the originally named putative class representative and the




members of the putative class,” the motion reads. “Defendants do not admit that a conflict existed or does exist; they wish to amend merely to avoid any possible conflicts in the future.”

The motion states that the change has been discussed with the co-op’s lawyers and that they will oppose it.

The responses address motions submitted to the court by Socorro Electric on Jan. 25.

They are:

- A motion for partial summary judgment as to claims involving voting rights;
- A motion to dismiss based on pleading rules;
- A motion to dismiss for lack of standing;
- A motion to dismiss for lack of subject matter jurisdiction;
- A motion to dismiss for failure to join an indispensable party.



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Attorneys intend to amend countersuit vs. Socorro Electric

by T.S. Last | February 22, 2012 | Filed under: News

Attorneys representing member-owners of Socorro Electric Cooperative in a proposed class-action lawsuit will name a new representative of the class, according to papers filed last week.

Originally, Charlie Wagner, a member of the co-op's board of trustees, was listed as the class representative in a countersuit which names the nine other trustees, four former trustees and the co-op's former general manager as defendants. The countersuit charges the cross claim defendants with breach of fiduciary duty and fraud.


"Counsel anticipates that an amended complaint on the class action portion of this litigation (the cross claim) will be filed shortly, removing Mr. Wagner as proposed class action representative and thus as cross claim plaintiff," reads a response to the co-op's motion for a protective order against Wagner.

In the co-op's motion for a protective order filed Feb. 1 in 13th Judicial District Court in Los Lunas, it asserts that Wagner has been attempting to sidestep rules of discovery by requesting information by way of the Inspection of Public Records Act.

Wagner says he was doing no such thing. He told El Defensor Chieftain that his requests for information regarding records of payments made to the Kennedy & Han, the law firm representing Socorro Electric in defense of the countersuit, was done in his role as a trustee, he said.

In the response to the motion for a protective order, Stephen Kortemeier, of Socorro's Deschamps & Kortemeier law firm, wrote that counsel was "absolutely unaware" of Wagner's requests for information and that it had not received any information or documents from Wagner as a result of his requests.

"It appears ... that Mr. Wagner has been merely exercising his rights as a trustee to inform himself on matters affecting the financial well being of the




cooperative: a responsibility clearly within his fiduciary obligations to the membership, in which he may be remiss if he doesn't," Kortemeier wrote.

The response asks the judge hearing the case to deny the co-op's request for a protective order in that the matter will become moot once the amended complaint is filed. It further argues that a protective order would infringe upon Wagner's obligations as a trustee.

The filing suggests an arrangement be worked out where documents provided to Wagner in his role as a trustee and those furnished through discovery could be marked to distinguish the difference. It also asked that the judge reaffirm Wagner's right to access information in his capacity as a trustee.

The response came in the wake of a flurry of filings by Kennedy & Han in recent weeks, including four motions to dismiss the countersuit and a motion to stay discovery.





Citing a heavy workload, Deschamps & Kortemeier asked for a one-week extension to respond to the co-op's motions.

Tenth Judicial District Court Judge Albert J. Mitchell Jr., assigned to preside over the case by the New Mexico Supreme Court chief justice, last week granted a request for hearing to address the motions. That hearing will be held by phone next Monday morning.

The countersuit came in response to a lawsuit Socorro Electric filed against all of its approximately 10,000 member-owners in June 2010. The co-op was challenging the validity of new bylaws that require it to operate with greater transparency.

Judge Mitchell ruled against the co-op last May, saying bylaws that compel it to follow the Open Meetings Act and Inspection of Public Records Act were properly adopted and members were within their rights to impose them on what is a democratically controlled cooperative.





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A flurry of filings in Socorro Electric countersuit

by T.S. Last | February 15, 2012 | Filed under: News

While there's nearly a four-month gap between scheduled hearings in a countersuit against Socorro Electric Cooperative, attorneys litigating the case have been busy in recent weeks. In a span of 16 days — which included two weekends — 12 filings were entered in 13th Judicial District Court in Los Lunas where the lawsuit originated.

Most of them came from co-op attorneys, beginning with four motions to dismiss and one for partial summary judgment on Jan. 25. A motion to stay discovery and another for a protective order to prevent the release of information came a week later.




Attorneys leading the countersuit on behalf of the co-op's approximately 10,000 member-owners then filed motions to abate and extend the time to response to the motions on Feb. 8. But before the ink was dry the co-op answered with a notice of opposition that same day.

A day later, an amended motion to abate responses to the co-op's Jan. 25 motions was filed. By then, Socorro Electric had entered a request for a motion hearing with the court.

The judge granted the request on Monday, scheduling a hearing for 9:30 a.m. on Monday, Feb. 27. The hearing will be held telephonically.

The next scheduled hearing in the case is set for March 21. Another status hearing is on the calendar for June 21, while the hearing to determine class action certification was set for Sept. 28.



All of the co-op's filings were entered by attorney Darin Foster of Albuquerque's Kennedy & Han law firm, which was contracted by the co-op's previous attorney to handle the countersuit.

A team of attorneys, made up of the Deschamps & Kortemeier law firm of Socorro and Ikard Wynne of Austin, Texas, are representing the members in the countersuit.

How We Got Here

The countersuit was filed two months after Socorro Electric sued its members in an effort to block new bylaws that call for the co-op to operate with greater transparency.

Judge Albert J. Mitchell Jr. ruled against the co-op last May — saying bylaws that require Socorro Electric to follow the Open Meetings Act and Inspection of Public Records Act were valid and properly adopted at the members' annual meeting in April 2010. The judge has held several hearings addressing the countersuit's request for class action certification since last May, but he has yet to make a decision on the matter. To make that determination, he asked attorneys on both sides to begin discovery on that aspect of the case.

Complicating the issue, Charlie Wagner, a member of the co-op's board of trustees, is named as representative of the class of member-owners in the countersuit. He is a leader in a movement to reform the co-op, which gained traction after it was reported in the press that Socorro Electric's board incurred expenses significantly higher than any of the other 17 rural electric cooperatives operating in New Mexico.

The countersuit isn't against Socorro Electric itself, but names Wagner's 10 colleagues on the board, four former trustees and the co-op's former general manager as defendants. It charges they are guilty of breach of fiduciary duty, fraud and wasteful spending.

Dueling Motions

Several of Socorro Electric's most recent filings focus on Wagner being a central figure in the countersuit.

In an interview last week, Stephen Kortemeier, one of the attorneys involved in bringing the countersuit, said it's not about Wagner.

“This is a governance lawsuit. This is one that says the members were treated unfairly,” he said, adding that if the focus is on Wagner, that can be remedied. “It’s not carved in stone that Mr. Wagner remains as the class representative. If that’s the only issue, that’s easily dealt with by having a different member of the class as representative.”

The motions to dismiss the countersuit are on the grounds the countersuit lacks standing, fails to meet pleading requirements, immunity for the defendants and absence of an indispensable defendant, that being Wagner as a member of the board of trustees.

The co-op asked for a stay in discovery because it claims the earlier motions must be addressed first.


Ikard Wynne, the firm which has taken over as lead attorneys in the countersuit, responded with its motion to abate. It argued in its motion that Judge Mitchell had determined that a hearing certifying the class would be held before he could address other motions.

“Because plaintiff’s motions are dispositive, they are premature,” the motion reads. “Defendant respectfully requests that the court abate defendant’s response date until after the parties have completed class discovery, prepared class memorandum, and have held a hearing to determine class certification.”

The motion for a protective order aims to prevent Wagner from obtaining information from the co-op, as he is party to the countersuit. It asserts that Wagner is essentially attempting to sidestep the discovery process by using the Inspection of Public Records Act as a means to obtain information.

Wagner said in an interview last week that the motion treats him as if he’s a lawyer. He said he’s seeking information about payments the co-op made to Kennedy & Han in his role as a trustee — his interest being that co-op money is being well spent.

Foster, the co-op’s attorney, said during a Dec. 2 hearing that it was his understanding that the countersuit is not covered under Socorro Electric’s



insurance policy. He said he found it ironic that the co-op's members would be footing the bill.

Socorro Electric is a private, non-profit corporation owned by its members, who are also its customers.

Foster did not return a phone message from El Defensor Chieftain.

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Cooperative files more motions

by T.S. Last | February 8, 2012 | Filed under: News

On the heels of filing four motions to dismiss a countersuit against it, Socorro Electric Cooperative is now asking that discovery be stopped and a protective order be issued to prevent information from being released to one of the parties in the case.


Attorney Darin Foster of the Kennedy & Han law firm of Albuquerque, representing Socorro Electric, filed the motions in 13th Judicial District Court in Los Lunas on Feb. 1. The motions center around co-op trustee Charlie Wagner, who is named as representative of the class of member-owners in the countersuit which requests class action certification.




Socorro Electric took the unusual step of suing all of its approximately 10,000 member-owners in June 2010 in an effort to block new bylaws that called for the co-op to operate with greater transparency. It lost that case, a judge ruling in May of last year that bylaws requiring the co-op to follow open meetings and inspection of public records rules were valid and properly adopted by members at the 2010 annual meeting.

The countersuit names Wagner's nine colleagues on the board of trustees, four former trustees and the co-op's former general manager as cross claim defendants, charging breach of fiduciary duty and fraud.

On Jan. 25, the co-op submitted motions to dismiss the countersuit, citing immunity for the defendants, lack of standing, failure to meet pleading requirements and absence of an indispensable defendant, that being Wagner himself.



Stephen Kortemeier of the Deschamps & Kortemeier law firm of Socorro, one of the attorneys who brought the countersuit on behalf of the member-owners, said the flurry of motions was perplexing.




“It raises questions as to why they are just getting around to raising these issues, particularly in light of the conferences we’ve had since the judge decided the (preliminary) case,” he said. “We’ve talked about discovery, and we’ve talked about moving this case forward. The judge has said he’s interested in moving it forward. This could have been raised a year ago, but wasn’t.”

Foster did not return phone messages from El Defensor Chieftain.

Stop Before it Starts

Tenth Judicial District Judge Albert J. Mitchell Jr., appointed to the case by the New Mexico Supreme Court chief justice, has yet to rule on the class action aspect but allowed discovery to begin. But, according to the filings, the discovery process hasn’t started yet.




“A stay in this matter will create no undue harm or prejudice to the plaintiff (Wagner), who, as of January 30, 2012 has made no effort to conduct any written discovery, request the production of any documents or evidence, or scheduled any depositions in this matter,” reads the co-op’s motion to stay discovery.

The document states that at least until the pending motions have been addressed, discovery would be unnecessarily costly and repetitive.

In December, Judge Mitchell set dates for three more status hearings on matters of discovery, the first is March 21.

Seeking a Shield

In the motion for a protective order, Socorro Electric suggests Wagner is trying to sidestep rules of civil procedure that apply to litigation.



“Plaintiff is now attempting (and apparently has been attempting for some time) to use the Inspection of Public Records Act to make requests for privileged information, and information which would otherwise be subject to objection by defendants and their council in the course of regular discovery,” the motion states.

One of the new bylaws affirmed by the court was for the co-op to abide by the Inspection of Public Records Act.

The motion goes on to say, "Rather than pursue legitimate discovery, (Wagner) has sought to use the Cooperative's Bylaws to request documents which would be wholly and self-evidently objectionable and/or privileged under the rules of discovery."

The motion includes two exhibits of which Wagner is the source. One is an email to co-op General Manager Joseph Herrera on Jan. 18 requesting records showing fees and expenses paid to former co-op attorney Dennis Francish since June 10, 2010.

"It is the duty of the board of trustees to safeguard corporate assets against risk for the benefit of the cooperative (membership)," Wagner wrote.

"Considering the extraordinary income derived by attorney Fransich (sic) in advising the board to sue all the members/owners when he was retained to represent the cooperative's best interest (to benefit members) seems to be an action opposed to the best interest of the cooperative."

Wagner goes on to say that the co-op's new attorneys, Wiggins, Williams & Wiggins, should be interested in the records, as well. He suggests that Francish may have had a selfish motive to bring the lawsuit and the new attorneys could recognize an opportunity to recover wasted assets.

As El Defensor Chieftain reported last year, the co-op paid Francish \$68,282.00 in 2010, more than triple the amount it paid to the co-op's general counsel the previous year.

A records request made last month revealed that the co-op paid Francish another \$45,495.74 in 2011, the final year of his two-year contract.

Privileged or Not

The second exhibit is a request by Wagner for a copy of the invoice for \$30,795.29 Kennedy & Han submitted at the end of last year. He also asks for a

copy of the contract or letter of engagement with Kennedy & Han and minutes of the meeting when the board approved the agreement.

Wagner hand delivered the request to attorney Lorna Wiggins during the board of trustees meeting on Jan. 25.

Socorro Electric maintains in its motion that Wagner is intentionally attempting to bypass Kennedy & Han, which is handling the countersuit, to obtain information established under rules of discovery. It points out that rules of law supersede what corporate bylaws might say.

The motion also argues that the information Wagner requests is protected from disclosure by attorney-client privilege. It states that Wagner ignores the fact that he initiated the countersuit against the co-op "to whom he owes a fiduciary duty of care."


"By the very nature of adversarial civil litigation, plaintiff Wagner's current interests are inherently opposed to the interests of defendant Socorro Electric," the motion states. "Any information provided by the Cooperative to plaintiff Wagner is necessarily potential evidence to be used in the ongoing litigation."

In a phone interview on Monday, Wagner said that as a member of the board of trustees he's entitled to the information.

"All I'm asking for is information I need in my role as trustee," he said. "My request was strictly from the standpoint of being a trustee, not as a lawyer, which I'm not, nor as a party to the lawsuit. But they're treating me as if I'm an attorney."

Wagner said he had been provided with information pertaining to fees paid to attorneys in the past and was accommodated. It wasn't until after the co-op filed its lawsuit against the members that his requests started to be denied, he said.

"If I, as a trustee, ask for something regarding how the co-op is spending money, that's one of my duties as a trustee," he said. "I don't think there's anything I'm asking for that's controversial or secretive in nature. If it's



something paid for by members, I feel it's important to know and I have a right and duty to know."

-- *Email the author at tslast@dchieftain.com.*

Co-op calls for countersuit to be dismissed

by T.S. Last | February 1, 2012 | Filed under: News

Attorneys for Socorro Electric Cooperative last week filed four motions to dismiss the countersuit that came in response to its own lawsuit against its member-owners.

The motions to dismiss, as well as a motion for partial summary judgment submitted in the same court on the same day, make frequent references to Charlie Wagner, a member of the co-op's board of trustees who's named as representative of the class in the countersuit that requests class action certification.

Wagner was a leader in the movement to reform the co-op that scored a sweeping victory during the 2010 annual meeting when a bevy of reform measures were passed by overwhelming margins.

Socorro Electric's attorney at the time filed a lawsuit against all of the private, non-profit corporation's approximately 10,000 member-owners in an effort to block three bylaws that called for the co-op to operate with greater transparency. A district court judge ruled against the co-op last year, requiring it to follow the Open Meetings Act and Inspection of Public Records Act, but the countersuit is still pending.

The motions were filed Jan. 25 in 13th Judicial District Court in Los Lunas, where the co-op entered its original lawsuit against its members in June 2010.

Lacking Subject Matter

The motions to dismiss were signed by Darin M. Foster of Albuquerque's Kennedy & Han law firm, which was contracted to assist with the co-op's original suit.

The first motion asks that the countersuit be dismissed for lack of subject matter jurisdiction under the New Mexico Rural Electric Cooperative Act (RECA).

The motion states that the countersuit violates the requirements established by the RECA by failing to present factual pleadings contained in the claim.

“... the cross claim contains only general allegations and speculation as to hypothetical wrongdoing by the defendants,” the motion reads. “Several fundamental accusations are brought on the basis of ‘information and belief,’ with no factual support or information ... These deficiencies in the cross claim are in direct violation of the explicit pleading provisions of RECA.”

The countersuit, filed in August 2010 by a team of attorneys consisting of the Deschamps & Kortemeier law firm of Socorro and the Ikard Wynne law firm of Austin, Texas, charges breach of fiduciary duty and fraud, among other claims. It names 10 current members of the co-op’s board of trustees, four former trustees and a former general manager as cross claim defendants.

This motion claims the accusations are groundless and were brought without reasonable cause. It asks that the defendants be awarded reasonable expenses and attorney fees.

An Indispensable Party

Another motion calls for dismissal for failure to join the indispensable party, that being Wagner.

The motion argues that the countersuit alleges trustees received excessive compensation, engaged in wasteful spending, improperly failed to distribute patronage capital to members and manipulated voting.

“Yet, while plaintiff Wagner has used his cross claim as an opportunity to raise and publish a long series of unsupported, general allegations against the named trustees and the cooperative’s former general manager, Mr. Wagner has intentionally failed to inform the court that he, himself, has long been and remains a trustee of the cooperative,” the motion reads.

The motion insists that all trustees, including Wagner, must be joined as defendants in the litigation.

The motion goes on to itemize compensation Wagner received during his first six years as a trustee. According to an affidavit signed by Socorro Electric General Manager Joseph Herrera attached as an exhibit to the document, from 2006 to 2011 Wagner received \$210,826.04 in compensation, of which \$130,135.22 was taxable income. The compensation included expenses for numerous trips in and out of state, per diem and a total of \$67,783.67 for health insurance.

The motion states that Wagner should be subjected to the same scrutiny as the other trustees.

“...without Mr. Wagner’s presence as a cross claim defendant, the court will be unable to render and adjudge a full and fair resolution of the current dispute,” the motion reads.

According to a spreadsheet of trustee expenses for 2009 — the year prior to a new bylaw limiting each trustee’s expenses to \$10,000 per year — the co-op’s board incurred expenses totaling more than \$482,000 that year. The \$54,217.99 Wagner received was fourth highest among the 12 trustees.

Lack of Standing

Another motion to dismiss argues lack of standing, meaning Wagner isn’t in position to bring a direct claim for negligence.

“The claims flowing from a trustee’s or director’s negligence or mismanagement of a company may only be asserted in a derivative action, and even a derivative claim must be based on actions which occurred while the shareholder owned stock in the particular corporation,” the motion reads.

It goes on to say, “... even if plaintiff Wagner now belatedly attempts to characterize his cross claim as a derivative action, such an attempt is fruitless. Even as a derivative action, plaintiff’s cross claim would be subject to immediate dismissal for failure to satisfy the basic, black letter pleading requirements.”

This motion asks the case be dismissed with prejudice and also requests that attorney fees be awarded to the defendants.

Averments of Fraud

The final motion to dismiss is based on failure to plead under Rule 1-009(b) of New Mexico's Rule of Civil Procedure.

Like the motion to dismiss for lack of subject matter, it claims the countersuit contains "no particular statements of fraudulent behavior or actions on the part of any of the named defendants."

"These fundamental deficiencies make proper discovery and litigation of the matter virtually impossible, since the defendants have no clear understanding of the time, place or nature of the claims being made against them," the motion reads.

The judge overseeing the case has allowed discovery to begin in the countersuit and a status hearing is scheduled for March 21.


Voting Rights

In addition to the motions to dismiss, attorney Foster also filed a motion for partial summary judgment relating to claims involving voting rights.

The countersuit charged that members' voting rights were denied in the past and calls for the judge to dismantle the board of trustees.

"Taken literally, plaintiff is asking the court to step directly into the world of business, effectively taking control of a private corporation, hiring and firing corporate actors, and providing continuing oversight as to corporate activities," the motion reads.

The motion claims that the counter claims are now moot, since the judge has already approved a new set of bylaws ordered at the conclusion of the co-op's original suit against its members.




“These actions have rendered moot any actual controversy which might have existed under the old bylaws and voting procedures. Any additional changes sought by the membership are matters of corporate governance, to be pursued through the corporate structures enacted by the Rural Electric Cooperative Act,” the motion reads.

This motion also includes an affidavit from General Manager Herrera, this one outlining the bylaw changes.

The motion also asks the court award attorney fees and costs to the co-op.

Judge Albert J. Mitchell Jr., who is handling the case, has already awarded \$13,000 in attorney’s fees to lawyers who defended the case Socorro Electric initiated.



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Co-op correcting overcharges

by T.S. Last | January 28, 2012 | Filed under: News

Socorro Electric Cooperative overcharged its customers again. Only this time, the error was caught quickly and customers are already being paid their money back.

At Wednesday's meeting of the co-op's board of trustees, General Manager Joseph Herrera said Socorro Electric over collected more than \$500,000 during the last quarter of 2011. About \$309,000 in overcharges were in debt cost, he said, and about \$217,000 were for fuel cost.

The only questions trustees asked about the error were how the money would be paid back and whether the co-op needed to inform customers about it.


Herrera said the money would be paid back by applying a credit to customer accounts, which would be reflected on their bills. Trustee Prescilla Mauldin said customers probably didn't need to be notified because it would be reported in El Defensor Chieftain.

After the meeting Herrera said the errors occurred because forecasts overestimated debt and fuel costs.

"The over-collection had to do with projecting a quarter in advance," he said. "The debt cost adjuster is based on interest on loans, so if there's a draw down (the debt cost) fluctuates. So it's a moving target and what happened is we had overestimated the debt cost adjuster."

Herrera said the expectation was that there would be a draw down on the loan financing the new Quemado substation - a \$2.5 million project financed through a USDA Rural Utilities Service loan - but that didn't happen.


As for the fuel cost, the projections - based on historical data - were that the cost for power would be higher, he said. Customers were using more energy during off-peak hours than expected.



“We delivered more energy, but it was during off-peak hours,” he said. “It’s done quarterly, so if it’s off the first month, you have to ride it out. It’s like you throw a dart and after it’s left your hand the target has moved.”

Herrera said some customers have already seen the credit applied for fuel cost reflected on their bills and those who haven’t will see it show up on their next bill. The debt cost adjustment will be reflected on their bill the following month, he said.

In September 2010, it was discovered that Socorro Electric overcharged its customers approximately \$1.6 million over a five year period. That mistake occurred when rates were last adjusted and the debt and fuel costs were miscalculated when rolled into the base rate. Customers were paid back in the form of a patronage capital check but not until the following year.



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Co-op receives \$30,795 bill

by T.S. Last | January 28, 2012 | Filed under: News

Add another \$30,000 to the cost of the lawsuit Socorro Electric Cooperative filed against its member-owners in 2010.

The Kennedy & Han law firm of Albuquerque, which was contracted to represent the co-op in its failed effort to block new bylaws that call for it to operate with greater transparency, submitted an invoice in the amount of \$30,795.29 on Dec. 29. The breakdown listed \$27,949.21 for services rendered, 889.64 for expenses and 1,956.44 in gross receipt taxes.


Socorro Electric did not provide an itemized list of hours billed and expenses under an Inspection of Public Records Act request — General Manager Joseph Herrera cited attorney-client privilege — but it would appear the charges were likely incurred over a 16-month period ending at the close of 2011.



Kennedy & Han first filed papers in the case on Aug. 26, 2010, two months after the co-op's then-attorney Dennis Francish filed the lawsuit on June 29 of that year. In order to challenge the validity of bylaws that call for the co-op to follow the Open Meetings Act and Inspection of Public Records Act, the private, non-profit corporation filed suit against all of its approximately 10,000 member-owners.

Members of the democratically controlled cooperative overwhelmingly had passed nearly a dozen reform measures at the annual meeting in 2010 over the objection of the board of trustees, which proposed its own set of resolutions at the same meeting.

Attorneys Paul Kennedy and Darin Foster handled many of the motions in the case on behalf of the co-op and one or the other were present for all hearings in the case, decided last May. They've continued to represent the co-op as a judge now considers a counter suit, which requests class action certification.



The law firm hadn't submitted a bill to the co-op since Jan. 5, 2010, for services it provided in 2009.

In a phone interview last August, Kennedy said there "was no particular reason" why the firm hadn't submitted a bill for what was then almost a year's worth of work. He said there would eventually be a bill and whatever it was would be "eminently reasonable."

Kennedy, a former New Mexico Supreme Court Justice, said he charged at a rate of \$450 per hour and that his associate, Foster, billed at \$200 per hour.

Kennedy, who served on Gov. Susana Martinez's transition team and is currently engaged in litigation involving state legislative redistricting, said last August that he expected his firm to continue to represent the co-op through the class action phase, as he has experience with such cases. He said that if this case received class action certification, it could carry on for years.

Kennedy & Han filed four motions to dismiss the case on Jan. 25.

The case is currently in the discovery stage. Dates for three status hearings have been set for this year: March 21, June 21 and Sept. 28.

The countersuit, filed by Socorro's Deschamps & Kortemeier law firm and led by the Ikard Wynne law firm of Austin, Texas, targets members of the co-op's board of trustees and four former co-op officials and charges breach of fiduciary duty and fraud.

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Socorro Electric Co-op trustees deny district meeting proposal

by T.S. Last | January 11, 2012 | Filed under: News

A proposal to give member-owners of Socorro Electric Cooperative an opportunity to propose bylaw changes prior to the 2012 annual meeting in April was quickly struck down during the co-op's board of trustees meeting on Dec. 28.

District 5 Trustee Charlie Wagner, a leader in a reform movement that made sweeping changes during the 2010 annual meeting, made the suggestion under the agenda item "Subjects by Trustees."



"It occurs to me that we need an opportunity to have district meetings before the annual meeting so the members, if they wish to, can make some recommendations on resolutions to change or improve bylaws," Wagner said. "One of the bylaws they passed calls for elections but it doesn't do anything to make mail-in voting count toward the quorum."

The 2011 annual meeting was canceled due to a lack of a quorum. Member-owners of the non-profit corporation were to vote on a redistricting plan, one of the new measures passed at the meeting the year before.

Had mail-in votes counted toward the quorum, the redistricting plan would have passed. Instead, district alignments remained in place and another new bylaw that reduced the size of the board from 11 to five trustees cannot take effect.

Trustee Donald Wolberg pointed that out.

"There's a small problem," he said. "Which districts actually are there now since the new bylaws says there are five districts with one trustee each, but the definition of the district, the legal boundaries, are the only districts we have? So which does he want? The old or the new? — since he created the confusion to start with."



In Conflict

At issue is what has become an ongoing struggle between member-owners of the co-op and the board of trustees over control of the co-op. When members brought about a dozen reform members to the 2010 annual meeting — all of which passed by overwhelming margins — the board countered each one with one of its own. The board later voted to file a lawsuit against its members in an effort to block three of the new bylaws, but lost that battle too.

At its November meeting, the board adopted the bylaw committee's recommendations to propose new resolutions at the 2012 meeting. Declaring the reform measures too restrictive and harmful to the co-op, the board's proposals would ease restrictions on trustees' expenses and set the size of the board at seven.

While the board can propose new bylaws every year, members can only do so in years when there's a district meeting. The bylaws state annual meetings at the district level occur once every four years when elections are held.

There hasn't been an election in any of the five districts since 2009. It was then that members introduced numerous new bylaws aimed at reform and ousted three incumbent board members in Socorro. Meanwhile, reform-minded Wagner prevailed in his re-election bid.


As it stands, some bylaws are in conflict with others or don't reflect the current status.

For instance, members voted to reduce the size of the board from 11 to five with each trustee representing one district. There are currently 10 trustees and five districts, a problem that can't be reconciled until there's a quorum at the annual meeting and members approve new district boundaries.

Though members voted on a new map at last year's annual meeting, the vote didn't count because there was no quorum.

The board's resolution to have seven trustees would require yet another map to be introduced at this year's meeting, scheduled for April 14.

Losing Argument




Addressing Wagner's proposal, Co-op President Paul Bustamante said it was too late to hold district meetings, pointing out the next item on the agenda was setting the date of the annual meeting.

"There's not enough time. You should have brought up last year," he told Wagner.

Wagner insisted there was enough time, and made the motion that the date of the 2012 annual meeting be set for May 19. "That allows enough time for those districts that want to hold a members annual meeting to do so," he said.

Bustamante said there's a process for calling a district meeting, and turned to Office Manager Eileen Latasa to read the bylaw that addresses the issue.

Latasa said that such an assembly would have to be a special district meeting, which could be called by either 10 percent of the members in the district, any three trustees or the board president.



"So you see, Mr. Chairman, you can make that decision," Wagner said.


Bustamante brought the discussion back to Wagner's motion to hold the annual meeting on May 19, declaring it died for lack of a second.

Leroy Anaya then made the motion, seconded by Leo Cordova, to set the date of the annual meeting for April 14, and it passed with Wagner casting the only vote against it.

Under Scrutiny

Wagner also objected to the date the board set for its reorganization meeting to elect officers, which led to more verbal sparring.

Bustamante announced that Anaya would be unable to attend if the meeting were held the first Tuesday of the new year as dictated by the bylaws, and said he'd entertain other suggested dates.



Wagner protested, saying the board could still achieve a quorum on the first Tuesday.

“We have a bylaw that tells us it has to be the first Tuesday,” he said.

Bustamante pointed out that the bylaws allow for that date to be changed and said the board had accommodated Wagner so he could be present when the board decided on hiring a new attorney.

“You’re lying,” Wagner responded. “I didn’t request anything at all.”

The argument was interrupted when Milton Ulibarri made the motion to hold the meeting on Jan. 10, the second Tuesday.

“I object,” Wagner protested. “You’re going against the bylaws. And you’re under court scrutiny right now, so you’re violating bylaws while you’re under court scrutiny.”

Wagner was referring to a judge’s ruling that the co-op needed to follow the Open Meetings Act, as members required them to do in 2010.

Bustamante said the board hasn’t been holding the organizational meeting on the first Tuesday for several years.


“You violated the bylaw,” Wagner said flatly.

What had been a contentious discussion ended with laughter when Latasa said that another bylaw provides for the date to be changed if the first Tuesday wasn’t feasible.

“That one doesn’t count,” Wagner said, eliciting a cackle from his colleagues. “The first one counts.”

The organizational meeting was held last night after El Defensor Chieftain press time. The only item on the agenda was the election of officers (results will be published in the Chieftain’s Jan. 14 edition).

-- Email the author at tslast@dchieftain.com.




John Frederick of Tierra Grande was critical of the board's decision to suspend awarding renewable energy credits. The program offered credit to customers who produce their own energy.

Frederick said he invested in the program and thought it reprehensible renewable energy credits were be taken away.

"When you take RECs away, and when you take my money away, you're using it to subsidize other accounts," he said. "I don't think that's right ... I don't see that you own that."

Another man from Tierra Grande spoke next. James Bockensttet said his comments were meant to help the board build and maintain an effective organization, but what he had to say prompted Trustee Wolberg to lash out in anger.




Bockensttet said members had for too long been kicked around by trustees, and what happened at the annual meeting was a clear message of no confidence in the board. He then addressed Wolberg, an adjunct professor at New Mexico Tech, saying he could have an undergraduate explain it to him.

"That's not fair; I can't comment (during public input)," Wolberg yelled. "You want to be an idiot, be an idiot."



After the interruption, Bockensttet continued with a prepared statement that was expressive and pointed, referring to the trustees "corrupt cronies."

"You are spurious cohorts full of arrogance and disdain towards the good members of this co-op. You have taken prevarication and duplicitous behavior to the highest level. Corruption and nefarious subterfuge are hallmarks of your reign of terror," he said.

Bockensttet called State Auditor Hector Balderas' appearance as a guest speaker at the annual meeting a "quintessential moment of irony."



He finished by urging trustees to quit acting like grade-school bullies toward members and refrain from making disparaging remarks about them.

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Front Page » news » state

Friday, April 25, 2008

Group Targets Co-Op Trustees

By Thomas J. Cole
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A group of Socorro Electric Cooperative members wants to slash the size of the co-op's board of trustees, reduce the number of trustee meetings and guarantee that trustee meetings are open to members.

Charlene West of Lemitar, who is helping lead a petition drive to amend the co-op's bylaws, says she decided to take action after reading a Journal story on compensation of trustees, or directors, of the 18 electric co-ops serving New Mexico.

The story March 23 said the Socorro co-op reported \$275,000 in compensation for its 11 trustees in 2006—about \$118,000 more than any other co-op.

"I was sitting here (reading the story) and thinking this is crap," West said this week. "I never knew they got that much compensation."

The compensation included health care coverage for trustees and their families, travel allowances and fees to attend trustee and other meetings related to co-op business.

West said she and about two dozen other co-op members, or customers, are gathering petition signatures calling for a member vote to amend the utility's bylaws.

The petition calls for:

- Slashing the number of trustees from 11 to seven.
- Cutting the number of districts to four.
- Reducing the number of monthly board meetings from two to one.
- Guaranteeing that any member or representative of the news media can attend board meetings.

West said one effect of the bylaw amendments would do away with the stranglehold that trustees from Socorro now have on the co-op's affairs.

"When they want anything passed, they pass it," she said.

The co-op's District 3, which includes Socorro, now elects six, or a majority, of the trustees despite having less than half of the utility's members.

The co-op provides electricity to members in five counties.

The proposed bylaw amendments call for the Socorro district to have three trustees on the new seven-member board.

Cutting the number of trustees to seven will not only save the co-op money, but make member representation on the board more equal, West said.

Reducing the number of board meetings also would cut co-op costs.

Charlie Wagner, a co-op trustee who supports the amendments, said if they are adopted, each trustee will represent about 1,300 to 1,400 members.

Because the co-op's district boundaries haven't been changed in many years to adjust for population changes, three trustees now represent more than 1,300 members each while the other eight represent no more than 700 each, Wagner said.

Trustees representing Socorro, through their current majority, now control board decisions, as well as election of board officers and trustee committee assignments, he said.

"That's what they don't want changed," said Wagner, a former field representative for the National Rural Electric Cooperative Association.

Paul Bustamante, president of the board of trustees, said he opposes slashing the number of trustees.

Bustamante said the co-op's service territory of more than 11,500 square miles is the second largest territory of the 44 co-ops in New Mexico, Colorado, Nebraska and Wyoming that get their power from the Tri-State Generation and Transmission Association.

"Eleven's a good number for the service territory we got," Bustamante said.

Asked how the size of the service territory relates to the number of trustees that the co-op should have, he said he couldn't provide an answer without discussing the matter with other trustees.

Three other co-ops serving New Mexico have 11-member boards. Members of a fourth co-op voted last year to go from 11 to five directors. One co-op has 13 directors, the largest board.

Bustamante said the co-op's general manager, acting at the direction of the board, had recently contacted an Albuquerque company about obtaining services for updating district boundaries to reflect population changes.

He has previously said the co-op's compensation costs for trustees are higher than those for other co-ops because the board stresses continuing educa






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for its members, including classes at regional and national co-op conventions.

Like some other co-ops, the Socorro utility doesn't permit members to attend trustee meetings except to address the board on a particular issue.

Bustamante has said the issue of closed meetings hadn't been raised with the board in his 10 years as a trustee.

The group seeking to change the bylaws needs signatures from at least 10 percent of the members in each of the co-op's five districts to force a vote on amendments by the members.

West has requested that she be able to set up a table to gather petition signatures at the members' annual meeting on Saturday in Socorro.

Bustamante said the trustees would decide whether to permit the table.

"I don't have a problem with it," he said. "I guess it's their right."

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Front Page  cgi-bin

Saturday, June 13, 2009

Leaders of Socorro Co-Op Cling to Power

By Thomas J. Cole
Journal Staff Writer

SOCORRO — The powers-that-be at the Socorro Electric Cooperative have been rooting around again in their bag of dirty tricks.

Out came the race card at a Public Regulation Commission hearing Monday in a dispute between a majority of co-op trustees and customers seeking reforms at the utility.

The majority trustees and their supporters derisively referred to dissidents as newcomers to the area. We all know "newcomer" is code for "Anglo" in that context.

One supporter said the reformers were well-prepared for the hearing but added, "Hitler also had brilliant reports."

It was a nice touch.

One of the co-op customers critical of trustees was a man who moved from Germany to Socorro four years ago to work at the nearby National Radio Astronomy Observatory.

Changes to co-op by-laws proposed by the dissidents include a smaller board of trustees, fewer trustee meetings, a realigning of trustee districts and a guarantee that board meetings are open to the public.

Not exactly radical ideas, and "dissidents" may be the wrong word for this group. They are just average folks in the community led in part by trustee Charlie Wagner.

The Socorro Electric Cooperative Reform Committee claims more than 650 co-op customers have signed a petition supporting its proposed bylaw changes.

The reform movement began after I reported in March 2008 that the co-op spends more on compensation for its trustees than any of the other 17 electric co-ops in New Mexico.

The Socorro co-op reported to the IRS that trustees devoted an average of 5.25 hours a week to the jobs in 2007 and earned an average of \$29,043 in compensation, including health, dental and vision insurance.

Not surprisingly, most trustees see the proposed reforms as threats to their compensation, other perks and their influence over co-op hiring and contracts.

Rural electric co-ops are owned by their customers, or members, and are supposed to be democratically governed.

But the majority trustees have thwarted attempts by the dissidents to have co-op members vote on the proposed reforms.

The trustees used a minor procedural mistake by the reformers to keep the proposed changes from being voted on at the annual members meeting April 25.

The dissidents then tried at the meeting to have a vote to put the proposed changes on the agenda for the next annual meeting.

In a questionable move, the majority trustees nixed that vote by deciding many members had left the meeting, ruling that a quorum of members no longer existed and adjourning the session.





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The hearing by the PRC, which has authority over electric utilities, was a response to a request by dissidents that it intervene in the fight.

About 120 people — about evenly divided between the two sides — jammed into City Council chambers on Monday afternoon for the hearing.

It was evident from the start that the majority trustees weren't interested in having the hearing take place. Co-op trustee Milton Ulibarri immediately raised the issue that the crowd exceeded the occupancy rating of 75 people for the room.

PRC Chairman Sandy Jones responded that the meeting would go forward unless the city enforced the occupancy rating. It didn't.

Wagner said the co-op had been hijacked from its members by the majority trustees.

"Let's make these trustees understand who owns the co-op," he said.

Another leader of the reform movement, Charlene West, said no one had accused the trustees of not doing their jobs.

"The bottom line is people are speaking. Listen," West told the trustees. "Are we in communism?"

The majority trustees and their supporters countered that the trustees have followed the co-op's bylaws related to votes on amendments, that lots of co-ops around the country have trustee districts with uneven populations and that trustees work hard for their compensation.

They also said trustee meetings have been opened to members and that those trustees who have been on the board for many years offer valuable experience.

Ulibarri also said Wagner had a dark motive for seeking the reforms. "His agenda is to control the cooperative," he said.

Ultimately, Jones, fellow PRC Commissioner Jason Marks and PRC staff members decided the commission didn't have the legal authority to intervene in the dispute.

PRC oversight over the internal affairs of co-ops is limited, because the utilities are supposed to be democratically controlled by members.

But Marks said the majority trustees need to be concerned that so many members feel they aren't being heard by the board.

"I think you need to open up," he told the trustees. "I think that would handle a lot of this."

Jones also had some words for the trustees: Work to resolve their differences with the dissidents or face the possibility that the reform movement could grow and eventually result in their being tossed from the board.

We'll see if the trustees were listening.

UpFront is a daily front-page opinion column. Thom Cole can be reached in Santa Fe at (505) 992-6280 or at thomc@abqjournal.com

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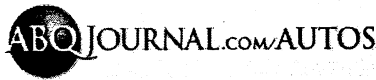
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Wednesday, October 21, 2009

Reformers Sweep Socorro Co-Op Elections

By Thomas J. Cole
Journal Staff Writer

The struggle between those who control the Socorro Electric Cooperative and those who want to reform the utility has become a lesson in democracy. Change is possible. It just always isn't easy.

Reform candidates ousted three trustees of the co-op in recent voting by the utility's members, or customers. Trustee Charlie Wagner, a leader of the reform movement, won re-election.

But for Wagner and the other reformers, there was little time to celebrate their sweep of this year's trustee elections.

The old guard hasn't lost its majority on the co-op's 11-member board of trustees, and it is already planning a move to get rid of the recently elected reform candidates, Wagner says.

"The people who have been in control for more than 30 years are not giving up," he says.

The reform movement in Socorro began after I reported in March 2008 that the co-op had spent more on compensation for its trustees than any of the 17 other electric co-ops in New Mexico.

Serving as a trustee is a part-time job, but those at the Socorro co-op received an average of more than \$29,000 each in compensation in 2007, including health, dental and vision insurance.

The dissidents have proposed several reforms to the co-op's bylaws, including a smaller board of trustees, fewer trustee meetings, term limits for trustees, a realigning of trustee districts and a guarantee that board meetings are open to the public.

The majority trustees have fought back. They blocked votes on the proposed reforms at the annual meeting last spring of co-op members and they have derisively referred to the dissidents as newcomers to the area.

At a meeting of the two sides last summer, Public Regulation Commission Chairman Sandy Jones warned the majority trustees to resolve their differences with the dissidents or face the possibility that the reform movement could grow and result in them being voted out of office.

Of the three trustees who got the ax in elections this month, one had been on the board for more than 20 years and another more than 30 years. The reform candidates take office Jan. 1.

"It's about time that the people stood up and said, 'No more,'" Charlene West, another leader of the reform movement, told El Defensor Chieftain newspaper.

Trustee Herman Romero, elected to the board in 2005, was gracious in defeat. "The members wanted change. ... It happens," he told the paper.

Juan Gonzales, a trustee for more than three decades, wasn't in the mood to offer a handshake after being defeated for re-election by a 2-to-1 ratio, saying reformers hadn't been truthful in stirring up the backlash.

In the voting, members also overwhelmingly agreed to have several proposed co-op reforms considered at the annual membership meeting next spring.

One of those proposals calls for the number of co-op trustees to be reduced from 11 to five. The goal is to reduce co-op expenses. (The co-op has just 36 employees, Wagner says.)

Wagner says the majority trustees already are planning for a transition to five board members and have discussed eliminating the positions of the six most recently elected trustees. That, of course, would get rid of the recently elected three reform candidates.

"They are attempting to interfere with the election," Wagner says. "It's part retaliation. It's part continuing the conspiracy to keep those in control."

Leopoldo "Polo" Pineda Jr., general manager of the co-op, says the proposed reform to cut the number of trustees to five doesn't include language on how the reduction is to take place.

That's why the board is considering how to implement the proposal should members approve it next spring, Pineda says.

The trustees are scheduled to discuss the possible transition to five members at their Oct. 28 meeting. It seems the majority trustees are still not willing to take the advice given by Jones to make peace with the dissidents. But there is still time. The next trustee elections are in 2012.

UpFront is a daily front-page opinion column. Thom Cole can be reached in Santa Fe at (505) 992-6280 or at rcole@abqjournal.com



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Front Page 

Wednesday, April 21, 2010

Co-Op Trustees Get Run Over

By Thomas J. Cole
Journal Staff Writer

SOCORRO — The national anthem was sung, the Pledge of Allegiance recited and a prayer said.

Then the bloodbath began Saturday evening at the annual meeting of the members/customers of Socorro Electric Cooperative.

The members overwhelmingly approved several co-op reforms, including reducing the number of co-op trustees, imposing term limits on trustees, slashing compensation for trustees and ensuring that trustee meetings and co-op records are open to the public.

It was a stunning rebuke of those in control of the co-op's Board of Trustees, which had resorted to a series of dirty tricks over the past year in an attempt to defeat the reforms.

Paul Bustamante, who succeeded his father as a trustee and serves as president of the board, didn't even stick around for the end of the meeting and the giveaway of door prizes.

"Congratulations. You got us defeated," the ever-gracious trustee Milton Ulibarri said to me and another reporter as the meeting wound down.

The reform movement began two years ago when I reported that the co-op spent more on compensation for its trustees than any of the other 17 electric co-ops in New Mexico.

The trustees were able to keep the reforms from being considered at last year's annual meeting of members. When they couldn't keep them from being voted on this year, the trustees proposed alternatives, delayed voting until after 7 p.m., announced voting would be by shows of hands and that votes would be counted by appointed judges, and said debate would be permitted.

If the trustees' plan was to use the alternatives to dilute support for the reforms and thin the ranks of reformers by dragging the voting well into the night, the strategy failed miserably.

More than 600 co-op members jammed the city's Finley Gym for the meeting, and it was clear from the start that most came for one reason — to vote on the reforms — and they weren't interested in delay or any other shenanigans. They demanded the guest speaker be dumped to save time, and he was.

The first vote was on reducing the number of trustees from 11. The reformers had proposed five trustees. The trustees had muddied the waters by proposing a board of nine or seven.

The outcome: 388 votes to reduce the number of trustees to five, compared with 124 votes to keep it at 11. There were fewer than 25 votes for the alternatives of nine and seven trustees.

Up next was a vote on limiting trustees to two consecutive four-year terms. The vote was 411 for and 117 against.

At that point, it became clear to members and trustees that there was no need to count votes on the other reforms. A simple show of hands would do.

"I could sense people were angry. They were fed up," said Charlie Wagner, a trustee who helped lead the reform movement.

The members voted to cap cooperative-paid compensation and expenses for trustees at \$10,000 each annually. The board president gets an extra \$5,000.






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Last year, compensation and expenses averaged more than \$41,000 per trustee, with one trustee pocketing more than \$60,000.

Members also voted to amend the co-op by-laws to guarantee open trustee meetings and records.

Because it's a co-op, Socorro Electric is owned by the people it serves and is supposed to be democratically governed.

"You had your democracy in action," co-op attorney Dennis Francish, who presided over the annual members meeting, said at the end of the voting.

UpFront is a daily front-page news and opinion column. Thom Cole can be reached in Santa Fe at (505) 992-6280 or at tcole@abqjournal.com.

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Saturday, October 09, 2010

**Thomas
J. Cole**



UPFRONT

A Few Updates To Lift Spirits

By Thomas J. Cole

Journal Staff Writer

Looking for a chuckle to start the day? How about an assurance that the bad guys get their due?

We have that and more in these updates on previous columns:

- Trustees at Socorro Electric Cooperative decide that picking a legal fight with all its members wasn't such a good idea.
- Federal agents seize computers and documents at the Indian Pueblos Federal Development Corp.
- A Tukumcari man gets the maximum sentence for nearly killing his sometimes-girlfriend while out of jail on a judge-approved furlough.

Now, for the update on the Socorro co-op, where trustees who control the utility and members seeking reforms have been fighting for about 2 1/2 years.

At a meeting last spring, the members — who are the co-op's owners and customers — overwhelmingly approved several reforms, including requirements that utility records and trustee meetings be open to the public.

The co-op, at the direction of a majority of its trustees, then filed a lawsuit against all its members in a bid to have a state district judge void the transparency requirements.

But an attorney for the co-op slammed the transmission into reverse last month, filing a request with the court that the lawsuit be dismissed.

"Basically, we're seeking to drop (the suit) because it was quite unpopular. The members didn't like it," co-op attorney Dennis Francish told El Defensor Chieftain newspaper.

Asked by the paper whether the request to dismiss was tantamount to an admission by the trustees that the suit was a mistake, Francish said, "No. It's saying that after the board decided to bring the lawsuit, they decided to drop it."

That may remind you of that inarticulate quote from Sen. John Kerry, D-Mass., about how he actually voted for funding for the Iraq war in 2003 before he voted against it.

The co-op may be trying to can the suit because it opened the door for some members to file

cross-claims against individual trustees that allege improper spending, failure to follow by-laws and other wrongdoing.

In those claims, members are represented by a couple heavy-hitting attorneys: former state prosecutor Lee Deschamps of Socorro and William Ikard of Austin, Texas, who helped members of a corrupt co-op there win a \$23 million settlement with their utility.

Deschamps says the cross-claims against the trustees will be pursued even if a judge allows dismissal of the co-op suit.

There have been other recent developments at the co-op, including disclosure of insider loans, the firing of its general manager, discovery that customers were overcharged nearly \$1.8 million and a planned rate increase because of financial woes.

Cleaning house

IRS agents this summer seized equipment and just about every scrap of paper they could find at the Albuquerque office of the Indian Pueblos Federal Development Corp., says Mike Canfield, the corporation's president.

Canfield says that the agents assured him the corporation wasn't the target of the investment, but that they declined to say who or what is.

So far, the IRS has returned none of the documents and only one of the computers, he says. "It is certainly inconvenient," Canfield says.

The corporation — owned by New Mexico's 19 pueblos — teamed with private developers to construct two buildings in the mid-2000s that were then leased to the U.S. Bureau of Indian Affairs.

The corporation and its partners received millions of dollars in questionable payments made from money borrowed for the construction. At the same time, the corporation went basically broke.

Canfield, a member of Laguna Pueblo and a longtime board member of the Indian Pueblo Cultural Center, is part of a new leadership team appointed by pueblo governors in hopes of cleaning up the mess.

Getting even

Amber Simpson's head swelled to the size of a basketball after she was beaten in July 2009 by on-again, off-again boyfriend Moses Earl Ingram.

At the time, Ingram was out of jail on an unsupervised furlough to visit his kids by another woman.

State District Judge Albert Mitchell Jr. approved the furlough despite Ingram's history of beating up women, including Simpson. He was in jail awaiting trial in two domestic violence cases.

Mitchell told Ingram to stay away from Simpson, but he beat her up a few days into the two-week furlough.

Simpson's father stopped just short of calling the judge an idiot. Mitchell said judges sometimes make mistakes.

Ingram, 31, was convicted last month of five felonies, including the kidnapping and

attempted murder of Simpson, according to the Quay County Sun newspaper. He was given the max of 31 1/2 years in prison.

The sentencing judge was Mitchell.

UpFront is a daily front-page news and opinion column. Thom Cole can be reached in Santa Fe at (505) 992-6280 or at tcole@abqjournal.com.



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Socorro Electric Co-op Still Fighting Reform Bylaws

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By T.S. Last / El Defensor Chieftain

PUBLISHED: Monday, November 28, 2011 at 12:34 pm

SOCORRO — Socorro Electric Cooperative's board of trustees isn't done fighting a fresh set of bylaws designed to reform the member-owned, non-profit corporation. While the co-op earlier this year lost a lawsuit that challenged the validity of three reform-related measures passed at the 2010 annual meeting, the board on Tuesday decided to take aim at several others, arguing they are too restrictive and do harm to the co-op.

By a 6-2 margin, the board voted to accept the recommendations of the bylaw committee to present resolutions at next year's annual meeting that ease restrictions on trustees' expenses and alter the size of the board.

Capping trustee spending and reducing the size of the board from 11 to five were among 10 reform-related bylaws members approved by overwhelming margins in April 2010.

Donald Wolberg, who served on the bylaw committee along with Jack Bruton, Leo Cordova and chairman Leroy Anaya, said the board simply couldn't function with five members and restrictions that limit trustee expenses to \$10,000 per year. He said trustees wouldn't be properly servicing members if they couldn't travel for training and conferences that address important issues that impact the co-op.

"If we're unable to maintain a presence at regional or national meetings, we're not doing our duty," Wolberg said. "We have to take a posture that it's important to the membership. If we don't represent them at these things, and can't get there, they are not being represented."

Trustee Charlie Wagner, a leader in the movement for reform, didn't see it that way. He said he felt the committee's motives were to erase what members of the democratically controlled corporation did when they voted for sweeping changes in 2010.

"I'm getting the impression that the recommendation of the bylaw committee is to undo what members already approved," he said, reminding his colleagues of the outcome of the court case. "The judge already indicated that it's the members who decide."

Cordova pointed out the final decision still ultimately rests with the members.

"It's only a recommendation of the board. They (members) can either approve or disapprove," he said.

One resolution to be put forth at next spring's annual meeting will be to increase the number of districts from five to seven, with each district represented by one trustee.

While the board still currently has 10 members, a new bylaw calls for the number to be reduced to five, each representing one district.

Accordingly, new district maps with seven districts would need to be prepared before the annual meeting. Members would then be given a choice to vote for redistricting plans for either five or seven districts.

A revised map containing five districts was up for adoption at this year's meeting, but a quorum was not present so no action could be taken.

Another new bylaw placed an expense limit of \$10,000 per trustee, \$15,000 for the president, each year. The committee felt that's not enough money for trustees to adequately do their jobs.

Reading from the minutes of the bylaw committee meeting earlier this month, Anaya said the consensus was the spending limit wasn't in the best interest of the co-op.

"The committee's concern, as discussed, was that currently, due to the cap on per diem, etc. that SEC's trustees are hindered by not receiving the necessary education and training required by (the National Rural Electric Cooperative Association) to become knowledgeable in the issues affecting the electric industry and that ultimately, SEC's members will have uninformed trustees that will be unable to make sound decisions on behalf of their members," Anaya said.

Two other changes would expand the trustees' expense accounts. One strikes travel, conference fees and meals from counting against their expense limit, leaving only per diem and insurance.

The other doesn't count expenses incurred by a trustee acting as a representative or delegate of the co-op against the spending limit.

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Members passed the bylaws in 2010 after it came to light that the board's expenses in 2009 totaled more than \$492,000, an average of almost \$45,000 per trustee.

Yet another new bylaw allows for mail-in voting, and Anaya said that issue was discussed by the committee. Because there is no bylaw that allows for it, the committee determined that mail-in ballots do not count toward quorum.

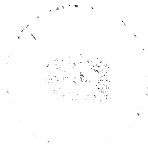
The committee also questioned whether voting by mail at annual meetings was required by the bylaw covering fair elections. It also questioned if the meaning of the word "elections" was exclusive to voting people into office, or also covered voting on items that were not people.

Wagner found that idea absurd, along with what he perceived as another effort by board members to go against the wishes of the members.

"I recommend that the members rise up, like they did when these bylaws were passed," he said.

With Co-op President Paul Bustamante having to leave the meeting early and Vice President Dave Wade presiding over the vote, Anaya, Luis Aguilar, Bruton, Cordova, Milton Ulibarri and Wolberg voted in favor of the committee's recommendations. Prescilla Mauldin and Wagner voted against.

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Socorro Electric Cooperative



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Amaro's seat on co-op board certified


by Elva Österreich | November 28, 2013 | Filed under: News

The Socorro Electric Cooperative board of trustees certified the District III vote for Melissa Amaro at its meeting Nov. 21.

Co-op attorney Lorna Wiggins read a memo she had written outlining co-op bylaw, state law and Robert's Rules of Order in regard to the need for a quorum to be present at a district meeting.

However, she said, because there is ambiguity in the bylaws, she and her firm believe it was up to the board to decide how to proceed.


"While it is undisputable that a quorum was not present in person at either time a quorum count was taken," she said, "the board can decide whether to interpret the bylaws as not requiring a quorum present in person if enough members have registered to vote."



She added that as a practical matter, none of the other trustee candidates intend to dispute the results of the election, which was held Nov. 16 and at which Amaro received many more votes than any of the other three candidates.

"We also understand that none, except Ms. Amaro, intend to run again should the opportunity present itself in an election held within the year," Wiggins said.

The board vote was unanimous. Amaro will represent District III on the board beginning in January 2014.



Attorney denies co-op vote valid

by Elva Österreich | November 16, 2013 | Filed under: Breaking News

While a total of 184 people voted in the District III Socorro Electric Cooperative trustee election today, co-op attorney, Lorna Wiggins has said the vote is not valid.

A count at the District III meeting netted a total of 65 member/owners present at the business meeting itself. To make a quorum, 66 individuals were needed.

Following the vote, one co-op member, James Cherry, stated he saw several registered members fail to hold up their wrist-bands and thus were actually present but not counted during the count.

When meeting chairman Peter Gonzales called for adjournment, he accepted a motion and a second to adjourn. Wiggins told Gonzales a vote was not required for adjournment, so he adjourned the meeting.

Members present at the meeting demanded the results of the election to be announced and following the adjournment, co-op manager did so, reminding everyone that the numbers are not official and not valid.

Unofficially Melissa Amaro would have won the election with a total of 140 votes; Leroy Anaya received a total of 77 votes; Precilla Mauldin received a total of 27 votes; and Donald Wolberg received a total of six votes.

Wiggins said another vote would have to take place before a new trustee can be named.



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MEMORANDUM

To: Socorro Electric Cooperative, Inc. Board of Trustees

From: Lorna M. Wiggins, Esq.

Date: November 21, 2013

Subject: District III Meeting

Article III, Section 13 of the SEC bylaws mandates that Robert Rules of Order “*shall be followed*” “*at all meetings of members*, of the Board of Trustees, and any committees thereof.” As a result, Roberts Rules of Order must be followed at District Meetings.

Roberts Rules of Order provides that a quorum is “the minimum number of members who must be present at the meetings of a deliberative assembly for business to be validly transacted.” Roberts Rules explains that, “[t]he requirement of a quorum is a protection against a totally unrepresentative action in the name of the body by an unduly small number of persons.” Roberts Rules, Chapter 11 § 3, p. 21. Roberts Rules also provides that “in the absence of a quorum, any business transaction . . . is null and void. *Id.* at p. 347. Roberts Rules further states that “before the presiding officer calls a meeting to order, it is his duty to determine . . . that a quorum is present.” *Id.* at p. 348-349. State law was amended in 1983 to require a quorum be present “in person.” NMSA 1978, Section 62-15-8 (F).

SEC's bylaws do not specify when a quorum is determined during a District Meeting, whether after voting ends or as the business meeting is called to order. The bylaws, at Article II, Section 11, set forth the agenda for District Meetings and the order of business for a District Meeting. Article II, Section 11, No. 4 on the Order of Business is: "Report on the number of members registered in order to determine the existence of a quorum." The bylaws also explain what happens if there is no quorum. If there is no quorum at a District Meeting, the incumbent trustee(s) serves until the next special meeting which will be held within one year after the meeting is adjourned: "District meetings which are held for the election of trustees which fail to have a quorum present shall result in the incumbent trustee(s) serving until the next special meeting which will be held within one year." Article V, Section 2. While the results of a vote are announced at the District Meeting, the board certifies the results. Article V, Section F.


As we stated during the District III meeting on November 16, 2013, to be in compliance with state law, the bylaws and Roberts Rules of Order, there must be a quorum to conduct business at the District Meeting. As noted above, Roberts Rules dictates that a quorum is determined when the meeting is called to order. SEC's bylaws, however, could be interpreted as permitting a rolling quorum; namely, that if those who register to vote over the two to three hour period during which voting occurs exceed the number required for a quorum, a quorum is met. Thus, in the case of District III, if more than 66 members registered to vote over a two-hour period, there is no need to determine if a quorum exists at the start of the meeting because a quorum is presumed. The Open Meetings Act prohibits a rolling quorum. NMSA 1978, Section 10-15-1 and Open Meetings Act Compliance Guide ("The use of a rolling quorum . . . to take action violates the Act."). Thus, we do not believe that practice comports with state law. In any case, it is well established that a quorum can be lost.

Because there is ambiguity in the bylaws and those bylaws conflict with Roberts Rules, we believe it is up to the Board to decide how to proceed. During Saturday's meeting, a District III member questioned the existence of a quorum shortly after the elected chair called the meeting to order. While it is undisputable that a quorum was not present in person at either time a quorum count was taken, the Board can decide whether to interpret the bylaws as not requiring a quorum present in person if enough members have registered to vote.

In addition, as a practical matter, we understand that none of the trustee candidates, with the possible exception of Ms. Amaro, intend to dispute the results of the vote. We also understand that none, except Ms. Amaro, intend to run again should the opportunity present itself in an election held within the year. Based upon statements made at and after the District III meeting on Saturday, and her prior litigation history, we believe that SEC is at risk for claims by Ms. Amaro.

We also note that before this election, Ms. Amaro has asserted several claims against SEC. First, following her resignation from employment, Ms. Amaro filed a claim for unemployment benefits. That claim was denied. Ms. Amaro has also filed claims against SEC for alleged sex discrimination and retaliation. Those claims were dismissed by the EEOC. Ms. Amaro's deadline to sue SEC on her EEOC claims does not run until December 12, 2013.

As a result, if the Board decides to certify these election results, we do not anticipate any litigation will be filed. Even though Ms. Amaro's installation as a trustee will be viewed by some as having taken place under a cloud, SEC can avoid near certain litigation by certifying her as the elected trustee.




Pargas: Co-op meeting a 'Jerry Springer Show'

by Laura London | November 21, 2013 | Filed under: News

The mayor of Socorro expressed irritation about the way Socorro Electric Cooperative conducts business during the Socorro City Council's regular meeting Monday, even broaching the possibility of putting the city's electricity franchise out for bid to get a different provider.

During the old business portion of the agenda, Mayor Ravi Bhasker said his old business is "the chaos that is the Socorro Electric Co-op election," which was held last Saturday at Finley Gym to elect SEC's District III trustee.

The city is working on giving a monopoly franchise to a company to sell electricity to its member/owners, he said.




"And to see the chaos that happens at the election, and the partisanship that is displayed and allowed to be displayed by the co-op directors ... I've never seen anything like it," Bhasker said. "And then, have a meeting that then negates the over 200 people ... that came to vote, me included."

Bhasker noted apologetically that he left the meeting after voting.

"But I thought that when you went to vote, and you signed in and you signed an affidavit, that that was your vote," Bhasker said. "And that's what you're doing, is you're voting — and whoever wins is fine."

Bhasker said the city is contemplating awarding a franchise to a company that, in his opinion, doesn't follow its own bylaws. He said that when the District III vote was not to the liking of some people, they encouraged others "in a loud, loud fashion" to leave the meeting and cancel the quorum — and therefore also cancel the election results.



"Well, according to their bylaws, they even say that their mail-ins count towards the quorum," Bhasker said. "So I don't know what kind of legal advice they're getting, what's happening."

Bhasker said he plans to ask the city's legal counsel to look into trying to put some constraints on how a business that gets a city franchise conducts its business, and to make sure the way it conducts business is in the best interest of the citizens using the electricity.

Councilor Ernest Pargas attended the co-op's District III meeting and attempted to describe the proceedings.

"I can't even say the words to describe — it was like children were just throwing tantrums when they didn't get their way," Pargas said.

"They're dysfunctional, that's the word," Sherry McGuire, a citizen attending the meeting, offered.

Bhasker asked people to imagine what it would be like if such things happened at a City Council or mayoral election. He asked: What if everyone left town after the city election, and the city election was nullified because everyone was out of town?


Pargas added he saw one person who was not counted as part of the quorum because the man had removed his wristband.

"Well, that's just goofy," Bhasker said. "And dysfunctional."

Bhasker added he heard that one of the trustees made a motion, then seconded their own motion. He said if the SEC board of trustees allows that kind of thing to continue, he doesn't know how the city can allow the SEC to have a franchise. He reminded the council that during the last meeting, they had discussed the possibility voters could bring a referendum to vote on the franchise in a citywide election if public finds the city's agreement unacceptable.

Bhasker said he found it unbelievable that certain people were allowed to control the SEC meeting with tantrums and dysfunctional behavior. He said if a City Council meeting became as unruly as last Saturday's SEC meeting, he would recess the meeting or "hit 'em with my gavel."

Pargas said he ventured out of his comfort zone to vote and fulfill his duties as an SEC member/owner "and that's the 'Jerry Springer Show' that I got."




Bhasker said he had the same feeling about the SEC meeting. He could have relaxed at home and watched football, but he went to vote for the city, his businesses and himself.

Councilor Toby Jaramillo said long before Saturday's meeting, the city had been receiving "complaint after complaint" about how the co-op treats its customers.

"And I think that's uncalled for," Jaramillo said.

Bhasker said the city can only intervene through its franchise agreement — or the city could just put up its franchise to have some other company bid on it.

Bhasker, who owns the Holiday Inn Express in Socorro, shared an anecdote as an example. He said the Holiday Inn corporation — the franchiser — told him his hotel couldn't have an exterior corridor because that was a Holiday Inn standard. The franchiser told him either build another hotel, or they will give the franchise to someone else.




"So they demanded what we could do and what we couldn't do," Bhasker said, "although they had no ownership."


Bhasker reasoned the city is the franchiser and the co-op is the franchisee, and the franchisee has a set of standards they have to follow. He acknowledged there may be a state statute that says otherwise, but he didn't know.

"We have to demand some level of credibility for a company that does business in Socorro that we give a franchise to," Bhasker said.

Bhasker directed city staff to put another public hearing about the co-op franchise on the agenda for the next City Council meeting, which is Dec. 2. It will be the third public hearing so far in the city's process to develop its electric franchise agreement; the first two hearings were held during the regular meetings Oct. 7 and Nov. 4.




City Clerk Pat Salome said the co-op is not totally unregulated outside the franchise agreement. He noted the state Public Regulation Commission regulates rates, the cooperative industry has some jurisdiction and the SEC's corporate status means it must adhere to those standards also. He said the



franchise agreement needs to reflect that; the old agreement makes no mention of those things.

“I think we’ve got to go out of our way — not to tell them how to do business, but that we’re going to be watching closely when it comes to their corporate status, their status as a cooperative and their ability to charge fees (that conform to PRC regulations),” Salome said.

“And carry on business in a fashion that is legal,” Bhasker said. “They had a lawyer sitting right there, but I don’t know if they read the bylaws or not.”



Before the public hearings commenced, the city began its franchise agreement process during its regular meeting Sept. 16 with an informative presentation by the city’s attorney, Nann Winter of Stelzner, Winter, Warburton, Flores, Sanchez & Dawes in Albuquerque. Winter explained a franchise agreement is really a rental agreement by which the local government allows a utility to occupy public rights of way, usually at a price and with rules. The city’s agreement with the co-op, originally made in the 1970s, has lapsed. The existing agreement continues on a month-to-month basis as long as both entities continue honoring it.



City of Socorro
Regular Scheduled City Council Meeting
November 18, 2013

Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Ernest Pargas, Councilor Nick Fleming, Councilor Mary Ann Chavez-Lopez, Councilor Donald Monette, Councilor Michael Olguin and Councilor Toby Jaramillo. Councilor Peter Romero and Councilor Gordy Hicks were absent.

PLEDGE OF ALLEGIANCE

Brigadier General Judy Griego and Colonel Kenneth Nava led all present in the Pledge of Allegiance.

APPROVAL OF NOVEMBER 18, 2013 CITY COUNCIL MEETING AGENDA

Councilor Monette made a motion to approve the agenda as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

CONSIDERATION OF MINUTES

a. November 4, 2013

Councilor Monette made a motion to approve the minutes as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

PUBLIC FORUM

Judith Gorman, a local resident, stated that she would like to commend the City of Socorro's recycling program which she participates in by taking paper products to the Plaza on the third Saturday of each month. Ms. Gorman stated that she would like to see the City add plastic products to the list of recyclables. Ms. Gorman stated that she has provided information to the Landfill Superintendent about a company that recycles plastic. Mayor Bhasker stated that due to budget reasons, he will be suggesting that the City no longer pick up recyclables at businesses but rather continue to allow businesses to recycle by asking them to drop off their recyclables at the Recycling Center.

DISCUSSION AND DELIBERATION

a. National Guard Armory

1. Colonel Kenneth Nava - Presentation

Colonel Nava introduced Brigadier General Judy Griego, who accompanied him to the Council meeting.

Colonel Kenneth Nava stated that the New Mexico State Armory Board will be considering the donation of the Socorro armory facilities to the City of Socorro. Colonel Nava stated that while a decision regarding the donation has not yet been made, the State Armory Board would like the City to consider a resolution which states the City would accept the donation. Colonel Nava stated that the Sergeant 1st Class Baksala, who is the only employee who currently works in the Socorro Armory, will be moving to Santa Fe. Colonel Nava stated that making the armory a part of the City's newly-constructed recreation facility (which is located) next to the armory would be good for the Socorro community. Mayor Bhasker thanked General Andrew Salas (who was unable to be present) for his assistance and stated that the City would install a plaque in the armory to commemorate the many years it was occupied by the National Guard. Colonel Nava stated that the National Guard would stay active in the Socorro community.

2. Resolution No. 13-11-18a

Mayor Bhasker presented Resolution No. 13-11-18a which, if approved, allows the City of Socorro to accept the donation of the Socorro armory facilities from the New Mexico State Armory Board, if they choose to make the donation.

Councilor Monette made a motion to approve Resolution No. 13-11-18a. Seconded by Councilor Jaramillo, motion passed unanimously.

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b. Resolution No. 13-11-18b – Election Resolution

Mr. Salome presented Resolution No. 13-11-18b for the 2014 Regular Municipal Election. The resolution contains information regarding vacant elective offices, polling places, consolidated precincts, absentee and early voting information, filing day information, voter registration information, designates the method by which voters will cast their votes and how they will be counted. Mr. Salome stated that in order to make the voting process easier on Election Day, the precincts were consolidated into two polling places (Finley Gym and the Youth Center). Mayor Bhasker suggested that the information regarding where to vote be published so that the public is aware of where they have to vote. The resolution was presented and must be approved both in English and Spanish. Election day will be March 4, 2014.

Councilor Monette made a motion to approve Resolution No. 13-11-18b both in English and in Spanish. Seconded by Councilor Jaramillo, motion passed unanimously.

TEMPORARILY ADJOURN REGULAR MEETING

Councilor Monette made a motion to temporarily adjourn the regular meeting. Seconded by Councilor Olguin, motion passed unanimously.

a. CDBG Public Hearing – Public Requests for Future Projects

Councilor Monette made a motion to go into public hearing. Seconded by Councilor Olguin, motion passed unanimously.

Jay Santillanes presented an agenda for the CDBG Application Public Hearing. Mr. Santillanes proceeded to explain each item on the agenda. The agenda was presented as follows:

1. Eligibility Requirements for Application
 - a. Eligible Entities (Mr. Santillanes stated that counties and incorporated municipalities are eligible for funding.)
 - b. Threshold Requirements (Mr. Santillanes stated that projects must be completed by a certain date which has not yet been determined for this cycle. Mr. Santillanes stated that other thresholds are that the current FY budget must be approved, all financial reports must be current, and the audit must be current.)
 - c. Public Hearing (Mr. Santillanes stated that public hearings are required as citizen participation is important and all projects must be submitted by citizens. Mr. Santillanes stated that there will be a total of 3 public hearings.)
 - d. Comprehensive Plan (Mr. Santillanes stated that all projects must be consistent with the comprehensive plan of the entity.)
 - e. ICIP (Mr. Santillanes stated that the project must be listed on the ICIP.)
2. Project must meet a National Objective – Low to Moderate Income; Slum and Blight; Emergency (Mr. Santillanes stated that some projects that meet the national objective of low to moderate income, removal of slum and blight and emergencies are infrastructure, curb and gutter, streets, traffic control devices, utilities, housing, community centers, senior centers, health, social and other recreation activities, emergency-related infrastructure and planning grants. Mr. Santillanes also described colonias projects and ineligible activities.)
3. Project Selection (Mr. Santillanes stated that the City Council chooses the final project.)
4. Survey (Mr. Santillanes stated that once the project is selected, a survey of the area is done in order to determine if the project meets the low to moderate income requirement.)
5. Match (Mr. Santillanes stated that there is a 10% match which must be adopted by resolution by the City Council.)
6. Leveraging (Mr. Santillanes stated that leveraging is putting more towards the match than 10% and that an entity will get more points for leveraging.)
7. Application due date not determined. (Mr. Santillanes stated that the application due date has not yet been determined.)

Mr. Santillanes stated that this was the third and final public hearing for the public requests. Mr. Santillanes opened the floor to the public.

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Oscar Acosta, a resident of A Street, stated that on behalf of himself and his neighbors, he would like to request a drainage project in the A Street/B Street/Texas Street/Vermont Street area as there are still flooding issues in that area. Mayor Bhasker asked Mr. Santillanes if something could be done for the residents downstream (outflow area near the railroad tracks) from this area that are also having flooding issues due to additional water being directed to the area. Mr. Santillanes stated that as part of the project, the City could ask the engineer to include those concerns when engineering the project. Mr. Santillanes stated that one of the downstream issues was a railroad crossing trestle that was too small for the amount of water that passes through during rains. Some discussion followed.

Councilor Monette made a motion to go out of the public hearing. Seconded by Councilor Fleming, motion passed unanimously.

RETURN TO REGULAR MEETING

Councilor Monette made a motion to return to the regular meeting. Seconded by Councilor Fleming, motion passed unanimously.

DISCUSSION AND DELIBERATION

c. CDBG Project Selection

Mr. Santillanes stated that during three public hearings, there were two projects presented by the public: an A Street/B Street/Texas Street/Vermont Street area drainage project (including engineering for the downstream flooding problem) and a railroad crossing trestle upgrade.

Councilor Monette made a motion to select the A Street/B Street/Texas Street/Vermont Street area drainage project (including engineering for the downstream flooding problem) for the 2014 CDBG project application. Seconded by Councilor Olguin, motion passed unanimously.

Mr. Santillanes stated that he contacted Jay Armijo, from the South Central Council of Governments, regarding attending the Council meeting but had not heard back from him. Mayor Bhasker stated that the SCCOG has, in the past, administered the City's CDBG projects and that he needs the SCCOG to be more efficient (even though they are understaffed) so that there are no findings for City of Socorro projects.

COMMITTEE REPORTS

Councilor Pargas provided a quarterly report for the Socorro County Juvenile Justice Board. Councilor Pargas stated that SCJJB has worked on several items including the creation of a teen court and school truancy issues.

Mayor Bhasker stated that he would like to appoint Tamara Valdez to the Mayor's Drug Task Force for a two year term. Councilor Pargas made a motion to approve the Mayor's appointment of Tamara Valdez to the Mayor's Drug Task Force for a two year term. Seconded by Councilor Fleming, motion passed unanimously.

DEPARTMENT DIRECTOR REPORTS

Mable Gonzales, Finance Director, stated that in 2010, when the City started picking up recycling products from local businesses, there were 66 customers with 118 pick-ups per week. Ms. Gonzales stated that now there are only 20 customers with 40 pick-ups per week. Ms. Gonzales stated that the Juvenile Justice Board would like to apply for a grant and have the City be the fiscal agent of the funds, if awarded. Ms. Gonzales stated that the funds would be used for a SCOPE/MDTF/SCJJB coalition. Ms. Gonzales stated that notification of the grant award will be made on December 16th.

George Van Winkle, Police Chief, provided a handout to the Mayor and Council of Police Department stats from October 2013 (71 arrests, 86 citations, 0 DWI arrests, 258 police reports filed, 31 traffic accidents, 7,770 calls received by dispatch, etc.). Mayor Bhasker asked if the Police Department had seen heroin in the community to which Chief Van Winkle replied that the drug has been found during raids and traffic stops. Councilor Pargas stated that the topic of heroin will be discussed at a future town hall meeting. Chief Van Winkle stated that there had been burglaries around the NM Tech area and that some of the stolen items have been recovered.

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Joe Gonzales, Fire Chief, provided a handout to the Mayor and Council of Fire Department stats from October 2013 (144 ambulance runs, 14 fire calls, etc.). Chief Gonzales stated that he completed the vehicle purchase grant application. Chief Gonzales stated that employee training is ongoing. Chief Gonzales stated that the Fire Department does free wood stove inspections. Chief Gonzales stated that the department is working on the annual service reports.

Jay Santillanes, Division Director, stated that the City has advertised for a 200 x 325 metal cover for the rodeo arena and that bids will be accepted December 18th. Mr. Santillanes stated that Gas Department crews finished the natural gas line replacement on Bullock Avenue and will now start replacing large meters at businesses. Mr. Santillanes stated that City crews will be putting up Christmas lights the Monday after Thanksgiving with the help of the City of Belen (who is providing a bucket truck and operator). Mr. Santillanes stated that he is working with Ross Electric to install a controller box for the light at the south Socorro entrance. Mr. Santillanes stated that the airport crack/fog seal project is complete. Mr. Santillanes stated that Street Department crews finished chip sealing various City streets. Mr. Santillanes stated that a speed bump was installed on Terry Street. Mr. Santillanes stated that MAP funds were received for construction on the final section of JO Gallegos Road. Mr. Santillanes stated that the Gas Department does free carbon monoxide checks for residents.

Pauline Taylor, Wastewater Superintendent, stated that all of the safety ladders had been installed in the SBR's and that the SBR's are now filled up and back on schedule. Ms. Taylor stated that there will be a meeting with the City's engineer to discuss future projects at the wastewater treatment plant.

Jennifer Gonzales, Tourism Director, stated that the Festival of the Cranes will start November 19th and run through November 24th. Ms. Gonzales stated that there will be several other events as part of the Festival of the Cranes event including arts and crafts shows and music. Ms. Gonzales stated that on December 7th, there will be several events including the Electric Lights Parade, Santa on the Gazebo, Luminarias on the Plaza and a hay ride. Ms. Gonzales invited everyone to take a look at the new Tourism Department website (www.socorronm.org) as well as the Facebook page.

Mike Czosnek, Building Inspector, stated that the effective date for the new mapping for FEMA will more than likely be pushed back to January of 2015. Mr. Czosnek stated that he has been working on overgrown weed issues by attempting to contact landowners.

Paula Mertz, Library Director, thanked the Tourism Department for providing gift bags for the recent library director's meeting. Ms. Mertz invited everyone to the Las Cantadas Christmas holiday celebration/89th birthday party of the library on December 17th. Ms. Mertz stated that the library's annual inventory was recently completed. Ms. Mertz stated that the library also has a web page and a Facebook page.

Lloyd Martinez, Parks/Production/Water/Special Projects Superintendent, stated that the installation of water lines and hydrants at the rodeo facility RV park has been completed. Mr. Martinez stated that the next items to be worked on at the RV park are electricity, water/sewer connections, maintenance building and restrooms. Mr. Martinez stated that the water meter replacement project is complete. Mr. Martinez stated that two water meters at NM Tech were replaced. Mr. Martinez stated that water lines were extended on Tenorio Drive. Mr. Martinez stated that braces were installed on the injection points at the arsenic treatment plants. Mr. Martinez stated that work on the panel at the north Cuba Road lift Station is complete and work will now start on the panel at the JO Gallegos Road lift station. Mr. Martinez stated that Parks Department crews have been winterizing City parks and pruning shrubs and trees.

Michael Lucero, Sanitation/Landfill/Recycling Director, stated that the deadline for the final cover was reached and that Marvin Magee, the City's landfill consultant, will be here next week to do the survey which will verify the cover. Mr. Lucero stated that crews continue to haul rock from the rodeo grounds to the landfill. Mr. Lucero stated that crews have been hauling material to build Cell 1, which is east of Cell 2. Mr. Lucero stated that he met with Robyn Harrison who will be putting information regarding recycling in to the City's newsletter. Mr. Lucero stated that there is one solid waste truck that is out of service.

NEW BUSINESS

Councilor Jaramillo stated that there would be Turkey Bingo at Finley Gym on November 22nd and all proceeds would go towards his 44th annual food drive. Councilor Jaramillo thanked the City of Socorro for allowing him to use Finley Gym, for his food drive.

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OLD BUSINESS

Mayor Bhasker stated that in regards to the Socorro Electric Cooperative franchise agreement, he felt he needed to make a comment on the "chaos" of the recent Co-Op election. Mayor Bhasker stated that he has never seen anything like the chaos and partisanship of the recent Co-Op election. Mayor Bhasker stated that in his opinion, the Co-Op may have not followed their own bylaws. Mayor Bhasker stated that the Co-Op bylaws state that mail-in ballots count towards a quorum. Mayor Bhasker stated that the City of Socorro is working on a franchise agreement for a company to sell electricity and the City Council needs to look closely at how the City gives the franchise agreement and what should be asked of the Co-Op in the agreement. Mayor Bhasker stated that members were encouraged to leave the Co-Op meeting in order to eliminate the presence of a quorum. Mayor Bhasker stated that if the City chooses to proceed with the franchise agreement with the Co-op, the public can (by State Statute) request a special election if they disagree. Mr. Salome stated that the franchise agreement should state that the Co-Op is required to comply with all laws as required by the Public Regulation Commission, their corporate status and their status as a cooperative. Some discussion followed.

EXECUTIVE SESSION

Councilor Chavez-Lopez made a motion to go into executive session. Seconded by Councilor Fleming, motion passed unanimously.

Councilor Monette made a motion to go back into regular session. Seconded by Councilor Jaramillo, motion passed unanimously.

Mr. Salome reported out of executive session the discussion of two personnel matters. No action was taken.

MAYOR'S REPORT

a. Christmas Electric Light Parade Permit

Mayor Bhasker stated that the NM Department of Transportation requires the approval of the City Council for the use of California Street for the Christmas Electric Light parade.

Councilor Monette made a motion to approve the Christmas Electric Light parade permit. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

b. Library Board Appointment

Mayor Bhasker stated that he would like to appoint Barbara Oravecez to the Library Board.

Councilor Monette made a motion to approve the Mayor's appointment of Barbara Oravecez to the Library Board. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

c. Organizational Chart – Water/Parks/Special Projects/Production/Wastewater

Mayor Bhasker presented an updated organizational chart (which contains interim positions) for the Water/Parks/Special Projects/Production/Wastewater departments. Mayor Bhasker stated that the updated chart was created in order to help prepare for the future of those departments.

Councilor Monette made a motion to approve the updated organizational chart for the Water/Parks/Special Projects/Production/Wastewater departments. Seconded by Councilor Fleming, motion passed unanimously.

City of Socorro
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d. Reporting on Personnel Changes

Councilor Monette motioned to approve the personnel changes as read by Mayor Bhasker:

Bert Padilla – 11-18-13 – Landfill – Promotion to Operator I – A-21 to A-23.
Dustin Aldrich – 11-16-13 – Fire – Obtained EMT-I License – C-28 to C-31
Lorenzo Alvarado – 11-4-13 – Sanitation – Obtained CDL License – W-42 to W-44
John Silva – 11-18-13 – Wastewater – Job Description Change to Rodeo Facility/Soccer Fields
Groundskeeper – L-20 to L-23
Joe Melendrez – 11-18-13 – Production – Additional Job Duties – M-47 to M-51
Polo Pineda – 11-19-13 – Tourism to Administration – Transfer from Tourism Dept. to IT
Director/Completed Probation – A-30 to A-42
Lloyd Martinez – 11-18-13 – Water/Special Projects/Production/Parks – Interim Change – CZ-62 to CZ-66

Temporary New Hires: Jeremy Chavez

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Richie Chavez, Paul Marquez, Carlos Alvarado, Ramiro Garza, Albert Hernandez, George Romero, Mike Jojola, Elias Jacquez, Dolores Medina, Regina Valencia, Sergio Cuevas, Nancy Bohling, Michael Padilla

Student Workers: Matthew Jojola, Tamera Chavez, Maria Alderete, Giovanna Rosas, Angelica Lopez, Deanna Blair, Samantha Maldonado

Referees (1), Zumba (2)

Seconded by Councilor Chavez-Lopez, motion passed unanimously.

e. Business Registrations

Councilor Monette motioned to approve the business registrations as read by Mayor Bhasker:

RC Construction Company dba Carson Construction – Out of Town – Mesilla Park, NM – Robert Carson - Construction

Seconded by Councilor Fleming, motion passed unanimously.

f. Voucher Run

Councilor Monette made a motion to approve vouchers 128113 to 128415 in the amount of \$489,483.70, plus Payroll Transfers (\$303,107.07), for a total of \$792,590.77. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

g. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, December 2, 2013 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 7:57 p.m., Councilor Monette motioned to adjourn. Seconded by Councilor Fleming, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

Ravi Bhasker, Mayor

ATTEST:

Pat Salome, City Clerk

City of Socorro
Regular Scheduled City Council Meeting
December 16, 2013

Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Ernest Pargas, Councilor Nick Fleming, Councilor Mary Ann Chavez-Lopez, Councilor Peter Romero, Councilor Michael Olguin and Councilor Toby Jaramillo. Councilor Donald Monette and Councilor Gordy Hicks were absent.

PLEDGE OF ALLEGIANCE

Mayor Ravi Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF DECEMBER 16, 2013 CITY COUNCIL MEETING AGENDA

Councilor Fleming made a motion to approve the agenda as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. December 2, 2013

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

PUBLIC FORUM

Kim Schaeffer, a teacher at Cottonwood Valley Charter School, stated that she attended a City Council meeting in October in order to invite City employees to go to the school and read to the students in her reading program. Ms. Schaeffer stated that the program is going great. Ms. Schaeffer stated that there is one City employee as well as several other Socorro residents that are participating. Ms. Schaeffer invited the City Council to participate in the program. Ms. Schaeffer stated that the Chamber of Commerce will be putting information regarding the reading program in their newsletter. Mayor Bhasker thanked Ms. Schaeffer for the update.

Joe Torres, a resident of Fisher Street, requested that speed bumps be placed on Fisher Street. Mr. Torres stated that speeding has become a problem on the street. Mayor Bhasker asked Mike Winders, Assistance Police Chief, to have officers patrol the area and stated that he would look into the placement of speed bumps in the area.

Sherry Maguire thanked the City of Socorro for providing a space at Finley Gym for yoga classes. Ms. Maguire requested that the City provide staff for cleaning as the area is not being cleaned regularly. Mayor Bhasker stated that he would address the matter.

Nadine Ulibarri-Kellar stated that the Bountiful Baskets program is a food co-op (fresh produce) sponsored by Healthy Kids Socorro County. Ms. Ulibarri-Kellar stated that deliveries will be made January 10th in Magdalena at the Magdalena School building. Ms. Ulibarri-Kellar stated that interested parties order and pay online and that anyone can participate. Ms. Ulibarri-Kellar stated that the program will be coming to Socorro in the future.

DISCUSSION AND DELIBERATION

a. Public Comment – Socorro Electric Cooperative Franchise Agreement

Mayor Bhasker stated that this is an opportunity for the public to comment on the franchise agreement process between the City of Socorro and the Socorro Electric Cooperative (SEC).

Audrey Clifford read a letter that she sent to the SEC on May 3, 2011 regarding a request for capital credits. Ms. Clifford stated that she never received a response from the SEC. Ms. Clifford provided a copy of the letter to the Mayor. Mayor Bhasker thanked Ms. Clifford for her comments. Ms. Clifford's letter will be filed in the City Clerk's Office under "Socorro Electric Cooperative Franchise 2013".

Collette Foard gave a history of Trails End Market, a business (corporation) that she owned and closed in May 2012. Ms. Foard stated that she had over \$26,000 in capital credits with the SEC for the years 1993 through 2012. Ms. Foard stated that she met with Eileen Latasa, of the SEC, and requested a refund and was informed that she had to "die" in order for the capital credits to be collected.

Councilor Hicks arrived.

City of Socorro
Regular Scheduled City Council Meeting
December 16, 2013

Ms. Foard stated that she followed up in-person with an e-mail to the SEC to which she received a reply that said only upon death of a member may the SEC Board authorize payment. Ms. Foard stated that she then went to her attorney who sent a letter to the SEC requesting the payment. Ms. Foard stated that after several letters between her attorney and the SEC attorney, her request was ultimately denied. Ms. Foard stated that she wrote a letter to the State of New Mexico Attorney General's Office who, in turn, wrote a letter to the SEC stating that "it could be considered an unfair trade practice if SEC refuses to retire such credits". Ms. Foard stated that the SEC has still refused to return her capital credits. Ms. Foard stated that at present time, she has filed a complaint with the Secretary of States office and is awaiting a reply. Ms. Foard stated that she also contacted the PRC and RUS with her concerns but was told there was nothing they could do to help. Ms. Foard provided a handout with copies of all her documentation. Ms. Foard's documentation will be filed in the City Clerk's Office under "Socorro Electric Cooperative Franchise 2013".

Ms. Foard stated that the funds belong to the corporation and in order for her to dissolve the corporation, she must collect all assets or the assets will be forfeited. Ms. Foard stated that she feels the SEC attorney would like to go to court on the matter in order to make money. Ms. Foard stated that she does not want to sue the SEC for the payment because the SEC members will ultimately have to pay the legal fees. Ms. Foard stated that she received an anonymous letter telling her to "beware of SEC employees and trustees" and that she is being treated "cold" by some of the people associated with the SEC. Ms. Foard stated that the bylaws are very black and white and that she is owed the money.

Councilor Pargas stated that after the last City Council meeting, where this same topic of discussion took place, an SEC employee approached him at his place of work in an angry manner. Councilor Pargas stated that the SEC employee impeded his ability to work and when attempts were made to remove her from the situation she "went off". Councilor Pargas stated that he was also mentioned in a Letter to the Editor in the local newspaper. Councilor Pargas stated that he does not feel this treatment is warranted. Councilor Pargas stated that trust and good customer service are lacking when it comes to the SEC. Councilor Jaramillo stated that he also was unable to get his capital credits from the business he closed.

Ms. Foard stated that she thinks changes by the SEC need to be done by leverage. Ms. Foard stated that she feels the franchise agreement between the City and the SEC should be done for a one-year term. Ms. Foard stated that she spoke with Board member Ann Dorough and she was not aware of Ms. Foard's situation. Mr. Salome pointed out that the letter the SEC's attorney wrote to the Attorney General's Office states that the "Board" denied Ms. Foard's payment. Mr. Salome asked Charlie Wagner, another SEC Board member who was at the meeting, if he had voted on the matter. Mr. Wagner stated that he had not ever heard the matter at a meeting but that a vote could have taken place during executive session and he was not allowed in executive session.

Mayor Bhasker stated that he would like to see the SEC's bottom line, how the funds are dispersed and whether or not the SEC informs members of their total amount of capital credits.

Ben Hall, PRC Commissioner for District 5 and PRC Chairman, stated that the PRC cannot regulate co-ops other than rates and fees. Mr. Hall stated that the PRC used to be able to look at co-op financials but that the Legislature no longer allows it. Mr. Hall stated that the PRC does listen to all complaints and that he is the one who referred Ms. Foard to the Attorney General's Office. Mr. Hall stated that the PRC will do what it can to help in this situation but that they cannot get involved in the franchise agreement process. Mr. Hall stated that in 2011, the SEC had approximately \$19 million in capital credits. Mr. Hall stated that in 2013, the SEC paid approximately \$1.5 million in capital credits. Mr. Hall stated that the fund should have approximately \$18 million in it but he does not believe the money is there. Mr. Hall stated that the utility bills from the SEC should have each member's capital credit amount listed on the bill. Mr. Hall stated that the PRC does get a copy of the SEC's budget every year but that there is nothing the PRC can do with it. Mr. Hall stated that for rate increase, 25 people can protest and then the PRC can get involved with rate increase matters. Mr. Hall stated that the SEC currently has \$42 million in debt. Mayor Bhasker thanked Mr. Hall for his comments.

City of Socorro
Regular Scheduled City Council Meeting
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Charlie Wagner, District 2 SEC Trustee, provided a handout to the Mayor and Council. Mr. Wagner stated that he feels all customers should be given a copy of the SEC by-laws. Mr. Wagner read the section of the by-laws that pertain to capital credits. Mr. Wagner stated that when a refund is requested, SEC staff should make the appropriate calculation and present it to the Board to ensure the SEC will not be negatively affected. Mr. Wagner stated that the capital credits are provided by the patrons. Mr. Wagner stated that the SEC, in the past, violated IRS code by not reporting the amount of capital credits to the customers. Mr. Wagner stated that he feels the new trustees, Melissa Amaro and Ann Dorough, will be assets to the board. Mr. Wagner stated that he feels the new board will help create a user-friendly Co-Op and will recognize that the members are in charge. Mr. Wagner stated that the RUS has announced a loan process in support of energy efficient programs sponsored and implemented by electric utilities for the benefit of its customers. Mr. Wagner stated that he feels this change will result in increased employment at the SEC, create economic growth and reduce utility bills.

Mr. Wagner stated that forfeited capital credits go into a Scholastic Scholarship Foundation and that only the SEC Board can award the scholarships. Mr. Wagner stated that he does not know how much is in the Foundation but that it does have an audit done very year. Mr. Wagner stated that if someone can prove they are entitled to funds that have been placed in the Foundation, they will be refunded from the monies in the Foundation. Mr. Wagner stated that customers have a two year period to claim their funds before they are placed in the Foundation.

Mayor Bhasker asked Mr. Wagner to make Eileen Latasa aware that she is more than welcome to address the City Council during a public meeting but that addressing a City Councilor at his place of employment is inappropriate. Mayor Bhasker stated that he sent a letter to the manager, Joseph Herrera, regarding the incident. Mr. Wagner stated that he would follow up on the matter. Mayor Bhasker stated that the Administration would be creating an outline in January to submit to the City's attorney handling the franchise agreement process. Mayor Bhasker thanked everyone for their comments.

b. Engineering Task Order #13-04 – JO Gallegos Road – Final Phase

Mr. Salome presented Task Order #13-04 from Dennis Engineering which includes design and construction phase services to complete the reconstruction of JO Gallegos Road. Mr. Santillanes stated that the amounts for the task order are \$3,220.00 for design phase services, \$27,600.00 for construction phase services and \$1,720.00 for additional services.

Councilor Hicks made a motion to approve Task Order #13-04 from Dennis Engineering. Seconded by Councilor Romero, motion passed unanimously.

c. Legislative Capital Outlay Request

Mayor Bhasker presented a 2014 legislative briefing sheet for the rodeo and athletic facility. Mayor Bhasker also presented a request for the Wastewater Treatment Plant. Mayor Bhasker stated that there would be a meeting on December 17th at 9:30 a.m. at City Hall with Senator Morales, Senator Sanchez and Representative Tripp and that he would like to provide them with the City's requests at that time. Councilor Olguin asked if the two items were on the City's ICIP. The two items are on the City's ICIP in the second (WWTP) and third (Rodeo/Soccer) positions.

Councilor Hicks made a motion to approve the 2014 legislative requests. Seconded by Councilor Romero, motion passed unanimously.

d. OptumHealth Substance Abuse Service Grant Award

Nadine Ulibarri-Kellar stated that the Mayor's Drug Task Force/SCOPE received a \$400,000 grant to be used for prevention relating to underage drinking, underage drinking and driving, adult binge drinking, adult drinking and prescription drug abuse. Ms. Ulibarri-Kellar stated that the grant is for \$100,000 per year for four years. Ms. Ulibarri-Kellar stated that the first six months will consist mainly of training. Councilor Pargas stated that he will present more information at the next City Council meeting.

City of Socorro
Regular Scheduled City Council Meeting
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COMMITTEE REPORTS

None.

DEPARTMENT DIRECTOR REPORTS

Councilor Hicks asked Lloyd Martinez, Parks/Production/Water/Special Projects Superintendent about a water leak to which Mr. Martinez replied the City is working on fixing the leak. Councilor Hicks asked what the City was doing in regards to recent natural gas shortages. Mr. Salome stated that the City has been installing bigger natural gas lines in the area of concern (Bullock Avenue) to help alleviate the problem. Mr. Salome also stated that natural gas flow to Dicaparl is being monitored and stopped when necessary. Councilor Hicks stated that he received a complaint regarding the dry weeds in an empty lot on College Avenue. Mike Czosnek, Building Inspector, stated that he would contact the property owner regarding the weeds.

Mable Gonzales, Finance Director, stated that the City has reached the end of the lease/purchase agreement for the dozer at the landfill and will be determining whether to turn the dozer in or purchase the dozer.

Jennifer Gonzales, Tourism Director, stated that La Pastorela will be held on December 20th at 6:30 p.m. Ms. Gonzales stated that the No Limits Car Show/Toy Drive will be held December 21st at Smith's. Ms. Gonzales stated that the Mariachi Christmas event will be held on December 21st at NM Tech.

Terry Tadano, Chamber of Commerce President, stated that he is retiring and his replacement would be Deb Caldwell. Mr. Tadano stated that Ms. Caldwell will start January 6th and that he will introduce her at the next City Council meeting. Mayor Bhasker stated that he appreciates all of the work Terry has done for the City.

NEW BUSINESS

Councilor Jaramillo stated that his annual food drive would distribute food on December 21st.

Councilor Romero stated that the annual DAV Christmas feast would be held on December 23rd from 11:00 a.m. to 3:00 p.m. and invited everyone to attend.

Mayor Bhasker thanked the City of Belen for providing a bucket truck and two employees to assist the City in placing Socorro's Christmas decorations.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. Reporting on Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Christopher Hobaugh – 11-29-13 – Sanitation – Resignation

Wesley Mauldin – 12-9-13 – Police – Resignation

Alfredo Benavidez – 12-16-13 – Landfill – Obtained Landfill Certification – B-22 to B-24

Temporary New Hires: Jeremy Chavez, Brittany McDaniel

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Paul Marquez, Carlos Alvarado, Ramiro Garza, Albert Hernandez, George Romero, Mike Jojola, Elias Jacques, Dolores Medina, Regina Valencia, Sergio Cuevas, Nancy Bohling, Michael Padilla

Student Workers: Matthew Jojola, Tamera Chavez, Maria Alderete, Giovanna Rosas, Angelica Lopez, Deanna Blair, Samantha Maldonado

Referees (7), Zumba (2)

Seconded by Councilor Jaramillo, motion passed unanimously.

City of Socorro
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e. Business Registrations

Councilor Romero motioned to approve the business registrations as read by Mayor Bhasker:

Allen Douglas Construction – Out of Town – Belen, NM – Corporation – Construction
Girly Girl – C-2 – 101 Manzanares – Vicki Wall – Women’s Clothing
L & R Comm. and Construction Inc. – Out of Town – Los Lunas, NM – Corporation – Communications
Diebold Inc. – Out of Town – N. Canton, OH – Corporation – Sales & Service of Financial Equipment

Seconded by Councilor Chavez-Lopez, motion passed unanimously.

f. Voucher Run

Councilor Hicks made a motion to approve vouchers 128416 to 128714 in the amount of \$616,143.34, plus Payroll Transfers (\$295,558.66), for a total of \$911,702.00. Seconded by Councilor Romero, motion passed unanimously.

g. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, January 6, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

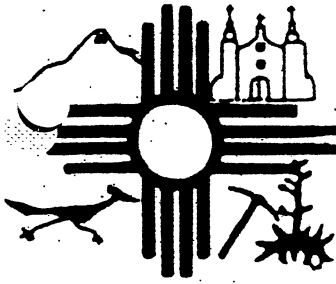
At 8:05 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Jaramillo, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

/s/ _____
Ravi Bhasker, Mayor

ATTEST:

/s/ _____
Pat Salome, City Clerk



CITY OF SOCORRO

RAVI BHASKER
MAYOR

GEORGE PATRICK SALOME, JR.
CITY CLERK

111 SCHOOL OF MINES ROAD
P.O. DRAWER K
SOCORRO, NEW MEXICO 87801
PHONE: (575) 835-0240
FAX: (575) 838-4027

December 5, 2013

Joseph Herrera, General Manager
Socorro Electric Cooperative
PO Box H
Socorro, NM 87801

Dear Mr. Herrera:

It has come to my attention that following the December 2, 2013 City Council meeting, one of your administrative employees confronted a City Councilor (at his place of employment) regarding the franchise process. I believe this to be not only inappropriate but also counter-productive regarding our ability to come to a mutually beneficial franchise agreement.

Please be advised that the City Councilors are simply exercising their statutory role as elected officials in meeting and addressing the concerns of their constituency as it pertains to the proposed franchise agreement process. I hope we can continue to have a positive dialogue between the City, the Co-Op and the member owners regarding the upcoming franchise agreement.

If you have any questions, please feel free to contact me at 575-835-0240 or 505-480-6172.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ravi Bhasker', written over a horizontal line.

Ravi Bhasker, Mayor
City of Socorro

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joseph Herrera, General Manager
Socorro Electric Cooperative
PO Box H
Socorro, NM 87801

2. Article Number
(Transfer from service)

7007 2680 0000 2026 1258

PS Form 3811, February 2004

Domestic Return Receipt

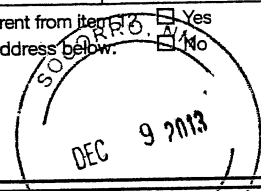
102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
Eileen Salata Addressee

B. Received by (Printed Name) C. Date of Delivery
EILEEN WATASA

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below. No



3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



TENTH JUDICIAL DISTRICT COURT

De Baca, Harding, and Quay Counties

P.O. Box 1067

Tucumcari, New Mexico 88401-1067

(575) 461-4422

Fax (575) 461-4498

Albert J. Mitchell, Jr.

District Judge

Marion Payton

Trial Court Administrative Assistant

August 14, 2012

William Ikard
Attorney at Law
2801 Via Fortuna, Bldg 7,
Ste 501
Austin, TX 78746

Lée Deschamps
Attorney at Law
P.O. Drawer 389
Socorro, NM 87801

Paul Kennedy
Attorney at Law
201 12th St. NW
Albuquerque, NM 87102

Re: Socorro Electric Cooperative, Inc. vs. Charlene West, et al.
D-1314-CV-2010-00849

Dear Counsel:

I am glad you are making progress in this litigation.

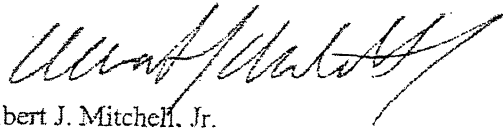
Please provide me with some citations and arguments addressing the issue of what power the Court has to "fix" faulty government of a utility. Clearly, state and federal law set out certain standards that should be met by the Co-op. However, I am not locating anything that tells me what the appropriate remedy is. Is it removal of the Board, do we ask a jury what the correct decision would have been for the Board on numerous issues that are complained of, or does the Court simply issue an order and treat the Co-op Board as a child, unable to follow simple instructions and statutes?

This litigation will not be used to second guess Board decisions or to put the Court in the place of being an overseer of Co-op operations. In the same manner, some of the allegations, if proven, are extraordinarily serious and address significant governance issues.

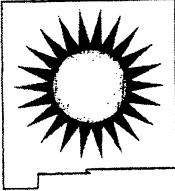
Since I am requesting this information as background and educational, please simultaneously file your input within sixty days. If you need more time, let me know.

If you believe the other side's filings are inappropriate in some manner, you may file respond within twenty days after service of one party's education and argument on this issue with a response of up to four pages in length.

Sincerely,



Albert J. Mitchell, Jr.
District Court Judge



New Mexico Foundation for Open Government

June 15, 2010

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Albuquerque

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Jack Swickard
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Robert B. Trapp
Española

Greg Williams
Albuquerque

Michelle Williams
Phoenix/Albuquerque

Daniel Yuhalem
Santa Fe

Paul Bustamante
President
Socorro Electric Cooperative
P.O. Box 252
Socorro, NM 87801

CC: Leo Cordova, Leroy Anaya, Luis Aguilar, Manuel Marquez, Prescilla Mauldin, Milton Ulibarri, Donald Wolberg, David Wade, Jack Bruton, Charles Wagner, Dennis Francish

Dear Mr. Bustamante,

It has come to our attention that the Socorro Electric Cooperative is embroiled in a controversy over recent by-law amendments that impose transparency requirements on the corporation. We believe that our perspective may be useful to the Board of Trustees and Cooperative members.

It is not for us to say what the precise wording of the Cooperative's by-laws should be. However, your Cooperative members have made their wishes clear – they seek a guarantee of free access to information about how their corporation is being managed. The New Mexico Foundation for Open Government supports that effort wholeheartedly. Transparency promotes good governance, in both the public and private sectors. Secrecy promotes the concentration of power and control in the hands of a few, in direct contravention of democratic cooperative principles.

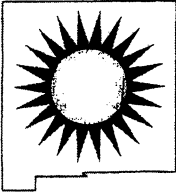
Furthermore, regardless of what the Cooperative's by-laws say now or in the future, an individual member's right to inspect the books of his rural electric cooperative is already guaranteed by state corporate law. The New Mexico Supreme Court upheld that right in Schein v. Northern Rio Arriba Electric Cooperative, 1997-NMSC-011, 122 N.M. 800, 932 P.2d 490. Schein, a newspaper reporter and member of the defendant cooperative, was successful in obtaining access to legal bills paid by the company. The Court articulated its argument in strong terms:

Schein's motivation to investigate NORA's use of resources and the nature and quality of the legal advice given to it was reasonably

115 Gold Ave. SW, Suite 201
Albuquerque, NM 87102

Web: www.nmfo.org
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(505) 764-3750
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New Mexico Foundation for Open Government

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Santa Fe

related to her role as a member. Like any business choice, the selection of legal services and a determination of the value of services received are relevant inquiries to a party concerned about his investment in the entity; as a owner of a proprietary interest in NORA, Schein has a legal right to be informed as to the management of the cooperative property by the Board in charge of that property. Such information would indicate whether the legal and financial choices being made by NORA were sound; also, such decisions would directly impact the capital accounts of NORA. Shareholders generally are entitled to monitor the activities of their agents. Meyer v. Board of Managers of Harbor House Condominium Ass'n, 221 Ill.App.3d 742, 164 Ill. Dec. 460, 464, 583 N.E.2d 14, 18 (1991) (allegation that entity was incurring excessive attorney fees established good faith fear that organization was mismanaging its financial matters, establishing a proper purpose to inspect corporate records); cf. Belth v. American Risk & Ins. Ass'n, 141 Wis.2d 65, 413 N.W.2d 654 (App.1987). We find that these grounds are premised upon concerns reasonably related to Schein's role as a member of NORA.

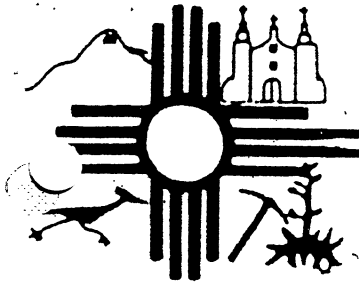
Given this strong presumption of shareholder rights, we urge the Board of Trustees to work with its member-owners to guarantee and provide access to corporate information. This is the practice of private companies the world over, and we submit that it is the best way to ensure honesty, quality service and value for your shareholders.

Please do not hesitate to contact me if I can be of any assistance. NM-FOG's mission is to educate the public about the principle and practice of transparency in governance, and we would be happy to discuss this matter with you.

Sincerely,

Sarah Welsh

Executive Director



CITY OF SOCORRO

RAVI BHASKER
MAYOR

GEORGE PATRICK SALOME, JR.
CITY CLERK

111 SCHOOL OF MINES ROAD
P.O. DRAWER K
SOCORRO, NEW MEXICO 87801
PHONE: (575) 835-0240
FAX: (575) 838-4027

August 20, 2014

Keven J. Groenewold, Executive Vice President & General Manager

NMRECA

614 Don Gaspar Ave.

Santa Fe, NM 87505

Dear Mr. Groenewold:

This correspondence is written to provide you with some information and insight surrounding the recent decision of the Socorro City Council to consider the acquisition of Socorro Electric Cooperative assets within the Socorro City limits. Please understand that as Mayor (since 1990) of the City of Socorro, I have witnessed first-hand the benefits of a well-run electric cooperative. However, in my opinion, in the last few years, Socorro Electric Cooperative, has deviated from the accepted co-op principles which are the cornerstone of cooperatives throughout the United States. In my opinion, and based on the consumer information I have been receiving from local residents, a large percentage of these residents have lost confidence in Socorro Electric Cooperative. The process of acquiring the assets of Socorro Electric Cooperative (by the City) has been fueled not by the City's elected officials but rather the lobbying efforts and area-wide dissatisfaction in co-op operations.

The acquisition of co-op assets is not of a hostile nature but rather an action taken on behalf of our constituents who also serve as member/owners of the SEC. I enclose for your review documents which explain both the position of the City of Socorro and the management and Board of the SEC.

Document 1 – An e-mail from Ms. Anne Dorough to SEC Board members discussing a previous City Council meeting dated June 14, 2014.

Document 2 – City of Socorro Resolution No. 14-06-16 dated June 16, 2014.

Document 3 – Anne Dorough “Letter to the Editor” regarding the “potential costs” of acquisition by the City dated July 24, 2014. This letter was circulated area-wide.

Document 4 – City Council Resolution No. 14-07-21 dated July 21, 2014.

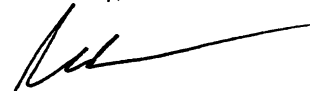
Document 5 – Letter from Mayor Bhasker to City residents updating the City residents on the status of the acquisition.

Document 6 – Letter from Mayor Bhasker dated July 28, 2014 to Board President Anne Dorough responding to her July 17, 2014 Letter to the Editor.

Please know that as Mayor, I understand the benefits of the electric cooperative structure as well as the specific benefits to a community that a well-run cooperative brings. However, I, as an elected official, cannot disregard the continued concerns of area residents. As you can see from the enclosed information, the City is not interested in a long, drawn out legal battle but rather a process that allows the co-op principle of democratic control (by the members) to determine the outcome of the proceedings. I hope you feel as I do that the seven principles of electric cooperatives are the foundation by which member/owners value a cooperative and which are not to be distorted by management and the Board of Trustees in a self-serving manner.

If you have any questions, please feel free to contact me at 505-480-6172 or 575-835-0240.

Sincerely,



Ravi Bhasker, Mayor

City of Socorro

061414- email – Dorough-board-on City Meeting

(This correspondence was read by Mayor Bhasker at the City Council meeting 6/16/14)

To: Trustees, Wiggins, Herrera and Latasa on meeting with Mayor Bhasker.

Twice, Joseph has, at my behest, contacted Mayor Ravi Bhasker and requested that we might meet in private to discuss the benefits to everyone of pursuing a franchise agreement instead of an expensive takeover. At first the Mayor agreed to the meeting and then changed his mind. He appears to prefer to make provocative remarks in public about sending signals to the "uncooperative" board members and shuns a written request for a productive meeting without an audience.

The Socorro Electric Cooperative takes this matter seriously and refuses to participate in this charade. There will be no official spokesperson attending this circus. Board members are reminded that only the President or the General Manager can speak on behalf of the cooperative.

Anne Dorough - President
District 5 Trustee
Socorro Electric Cooperative
(575)772-2989

RESOLUTION No. 14-06-16

AUTHORIZING THE CITY ADMINISTRATION TO: RECEIVE COMPLAINTS CONCERNING SOCORRO ELECTRIC COOPERATIVE, INC. (SEC) AND INVESTIGATE THE FEASIBILITY OF ACQUIRING THAT PORTION OF SEC SERVING THE CITY OF SOCORRO.

WHEREAS, the franchise authorizing SEC's use, rental and occupancy of the City of Socorro rights-of-way has expired; and

WHEREAS, the City has been inundated with constituent complaints regarding SEC's rates and service quality; and

WHEREAS, SEC has been completely unresponsive to constituent complaints regarding SEC rates and service quality; and

WHEREAS, SEC's rates and poor service quality have been an impediment to growth and economic development in the City; and

WHEREAS, SEC has been unable to assemble a quorum of its membership in over two years in order to conduct routine business; and

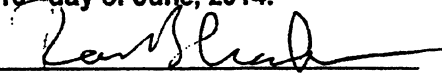
WHEREAS, SEC's bylaws, Board composition and inability to assemble a quorum have contributed to SEC's rate and service quality issues and its ability to be responsive to the City and its constituents; and

WHEREAS, the City desires to receive complaints concerning SEC and investigate the feasibility of acquiring that portion of SEC serving the City of Socorro.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOCORRO:

1. It is in the public interest to: receive complaints concerning SEC and to thoroughly investigate the feasibility of acquiring that portion of SEC serving the City of Socorro.
2. The City Administration is directed to designate a City location which shall receive any constituent complaints regarding SEC.
3. The City Administration is directed to investigate the feasibility of acquiring that portion of SEC serving the City of Socorro including in particular:
 - a. The prerequisites to any municipal acquisition of a utility system and the necessity for an election on the issue;
 - b. Available funding sources for such acquisition;
 - c. The service territory to be served and the assets that would have to be acquired to accomplish that service;
 - d. The City's authority to acquire such assets via eminent domain; and
 - e. The value of the SEC assets to be acquired.
4. The City Administration is also authorized to evaluate/explore the possibility of having another franchise become the provider of services for the entire SEC service area.

Passed, Approved and Adopted this 16th day of June, 2014.


Ravi Bhasker, Mayor

ATTEST:


Pat Salome, City Clerk

Letters to the Editor (07/24/14)

by Staff | July 24, 2014 | Filed under: Opinion

Co-op takeover costly, bad idea

Citing unfounded criticism of Socorro Electric Cooperative rates and service, the Socorro city Council recently voted to conduct a feasibility study about taking over electric service from the co-op, a move called "municipalization."

The council's move risks a double disaster for any city resident who pays an electric bill. But for the time being, until the city takes action directly threatening the co-op, we're preparing to block the city's possible attempt at a takeover, but there's no need for us to take direct action yet.

For Socorro, "municipalization" is a bad idea because it will cost both city taxpayers and co-op ratepayers vast sums of money unnecessarily, with no return in improved service or reduced rates.

The city is heading down an expensive and distracting path. Their action illustrates the dangers of dumbing down a technically-complex issue in a political arena without understanding the far-reaching consequences for everyday folks.

There's a better way to work out our differences. SEC currently operates in Socorro under an expired franchise agreement giving the co-op the right of way for its lines, poles, substations, transformers and equipment to deliver power to homes and business across town.

Since last year, SEC has sought a meeting with Mayor Ravi Bhasker to negotiate renewing the franchise agreement, which both still honor. Unfortunately, the mayor has said he prefers the open forum council meetings with its audience of supporters.

If the city continues on its present course, expect years of expensive legal wrangling. If the co-op refuses to sell, the city has suggested it could condemn co-op assets in the city through eminent domain.

However, the legal basis of that is unclear and untested. Get ready to pay more legal fees.


And experience shows the co-op is likely to end up continuing to serve city customers.

The truth is, rates for Socorro customers would go up because buying the assets would cost the city many millions and the municipal utility would have fewer customers to share costs of operation.

Unfortunately, rates would similarly rise for the rural customers remaining in the co-op. SEC rates, which only cover our cost of operations without profit, are fair, reasonable, and on par with other rural cooperatives in the state.

And here's the final catch: nearly all SEC ratepayers in the city of Socorro are also taxpayers in town. City residents with an SEC account for electric service would pay for lawyers on both sides to fight each other over the right to sell them power.

Rural customers outside the city will also have to pay to defend the integrity of their co-op and fend off a rise in rates due to a municipal takeover. It's a lose-lose deal for everyone except the lawyers. The city should stop.



We will keep in touch with our co-op members as this issue develops. We encourage them to bring their questions to us. Our district meetings in October and November are a great opportunity to get involved.

Sincerely,

Anne L. Dorough

Socorro Electric Cooperative

President & District V Trustee



City of Socorro
Resolution No. 14-07-21

WHEREAS, On June 16, 2014, the Socorro City Council unanimously approved Resolution No. 14-06-16 giving the City Administration the authority to:

1. Receive complaints concerning Socorro Electric Cooperative (SEC) and to thoroughly investigate the feasibility of acquiring that portion of SEC serving the City of Socorro.
2. Designate a City location which shall receive any constituent complaints regarding SEC.
3. Investigate the feasibility of acquiring that portion of SEC serving the City of Socorro including in particular:
 - a. The prerequisites to any municipal acquisition of a utility system and the necessity for an election on the issue;
 - b. Available funding sources for such acquisition;
 - c. The service territory to be served and the assets that would have to be acquired to accomplish that service;
 - d. The City's authority to acquire such assets via eminent domain; and
 - e. The value of the SEC assets to be acquired.
4. Evaluate/explore the possibility of having another franchise become the provider of services for the entire SEC service area, and;

WHEREAS, The City of Socorro and the SEC (since inception) have been able to conduct business by means of the franchise agreement process, however, this process has not been able to adequately address or influence the handling of numerous issues which recently have been brought before the City Administration and City Council, and;

WHEREAS, The lack of democratic control, inability of the management of the SEC to draw a quorum of its member/owners, lack of desire by SEC management to assist and pursue a quorum, desire by SEC management and their legal counsel to take every opportunity to keep member/owners from realizing a quorum and to unduly delay member/owner potential policy changes brought forth by the membership has created unrest and lack of trust in the cooperative system, and;

WHEREAS, High employee turnover, high electric rates and high monthly legal fees are a direct result of the inefficiencies associated with Socorro Electric Cooperative business practices and the unwillingness of SEC management to operate the local cooperative in conjunction with the seven principles of cooperatives*, and;

WHEREAS, Since the City of Socorro first became involved in the SEC issues herein described, no progress pertaining to customer service, democratic control and community involvement has been made, and;

WHEREAS, Since the topic of acquisition of SEC assets by the City of Socorro has been discussed, very little, if any, opposition to the acquisition of SEC assets by the City has been expressed by the member/owners of those assets, and;

*Attached

WHEREAS, Since the acquisition of SEC assets by the City of Socorro has become a topic of discussion, SEC management and Board have yet to include the owners of the SEC into the process in contradiction to the cooperative principle (No. 4 as attached) which states:

“Cooperatives are autonomous, self-help organizations controlled by their members. If they enter into agreements with other organizations, including governments, or raise capital from external sources, they do so on terms that ensure democratic control by their members and maintain their cooperative autonomy.”, and;

WHEREAS, On July 17, 2014, Ann L. Dorough published a “Letter to the Editor” in the El Defensor Chieftain which:

1. Definitively and clearly makes no reference of, or attempt to, include the member/owners of the SEC in the acquisition process.
2. Clearly states that the SEC Board President once again is attempting to side-step the democratic process in an effort to utilize member/owner funds to defend the position of a few regarding SEC operations without seeking input or direction from those who are the legal and rightful owners of all SEC assets, and;

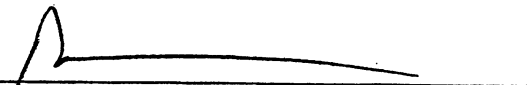
WHEREAS, Should an acquisition come to fruition, the property acquired by the City of Socorro would be that of the member/owners and not the SEC Board or management and would be operated by a qualified entity to ensure a level of service and competitive pricing experienced by many other similar communities throughout New Mexico.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Socorro, that without input discouraging the City from acquiring the SEC (within the City limits) obtained at a legally organized, officially conducted and binding cooperative meeting (held in accordance with cooperative guidelines and SEC bylaws) by the member/owners of the SEC, the City will aggressively pursue the items contained in the June 16, 2014 resolution (pertaining to the initial phases of acquisition) and will systematically and legally move through the acquisition process.

Be it understood that should the democratic member control process be recognized and honored by the SEC Board in allowing member/owners an opportunity to vote on the question regarding municipal acquisition, the costs to both member/owners and municipal taxpayers would be kept to a minimum and the will and the integrity of the owners maintained and carried out.

Be it further understood that by passage of this resolution, the Socorro City Council encourages the SEC Board to give the member/owners an opportunity to vote on the question regarding municipal acquisition.

Passed, Approved and Adopted this 21st day of July 2014.


Ravi Bhasker, Mayor

ATTEST:


Pat Salome, City Clerk

Dear City of Socorro Resident,

Many of you have already heard that the City of Socorro is investigating the possibility of acquiring the assets of Socorro Electric Cooperative (SEC) within the City limits and other allowable areas. Should this acquisition take place, the City of Socorro would purchase the assets of the Socorro Electric Cooperative with the intent to provide electricity in a manner that would:

- Improve the overall quality of electric utility service.
- Lower the cost of electric rates in this area.
- Improve customer/community relations between local residents and the local authority.
- Create an electric utility who strives for policies and procedures that are fair to both the residents and the utility.

The proposed acquisition by the City is predicated on concerns brought to the attention of the City Administration and the City Council by local residents regarding SEC operations, policies, procedures and acquisition.

At the City Council meeting of July 21, 2014, the Socorro City Council passed Resolution No. 14-07-21 (enclosed), outlining the conditions that have lead to the City's involvement in this potential acquisition.

Below are a few of the concerns regarding SEC operations under the current management:

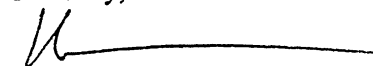
1. Utility costs are approximately 25% higher than other communities. 600KW of residential electricity in Socorro costs consumers approximately \$102.99.
 - o The same amount of electricity in other areas is as follows:

▪ Belen	\$74.44
▪ Los Lunas	\$74.27
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2. Monthly legal expenses for the SEC operations for the previous 18 months are approximately 3 times that of the City's monthly legal expenses yet the City operates 16 departments four of which are utilities and has approximately 100 more employees than the SEC.
3. Since 2011, the Socorro Electric Cooperative has experienced an alarming employee turnover rate that creates a reduction in institutional knowledge as well as indicates unstable management practices.

Attach please find a letter that has been sent to SEC Board President, Ms. Anne Dorough, explaining that the process can be a very simple one, even though Ms. Dorough (in written correspondence) makes it appear complicated and expensive. The transition can happen with very little cost to both the SEC members and the tax payers. In order to make this cost effective, the member/owners of the SEC should be given the opportunity to vote on the issue with the results of the vote honored by both the City Council and the SEC Board of Trustees. This approach is not only inexpensive but also fair to you the member/owners of the SEC.

This matter is not about cooperatives in general, but rather, the governance of this particular cooperative and the lack of desire of the Board of Trustees and current management to include the member/owners in decisions regarding the SEC operations.

Sincerely,


Ravi Bhasker, Mayor
City of Socorro

July 28, 2014

Anne Dorrough, Board President
Socorro Electric Cooperative
PO Box H
Socorro, NM 87801

Dear Mrs. Dorrough,

I read with great interest your July 17, 2014 letter to the editor as well as the letter you recently distributed to all co-op members. It seems that the general theme of both of these letters surrounds, as you state, "the vast sum of money" and minimal benefits associated with a municipal acquisition of Socorro Electric Cooperative (SEC) assets. Please let me remind you that this potential takeover is not of a hostile nature, but rather a response to concerns brought forth by numerous co-op members. Additionally, a careful reading of your written statements suggests how removed you are from both the sentiments of the members and operations of the co-op. In a KOB-TV interview (May 22, 2014), the Chairman of the PRC made the following statement regarding the Socorro Electric Cooperative:

Ben Hall, a PRC commissioner, said he questions SEC's business practices. He said the SEC is the only electric cooperative in his district that's generated consumer complaints. Sometimes, he said he receives one complaint every week.

Despite his concern, he said the PRC can only regulate an electric cooperative's rates, not its politics.

"The PRC's hands are kind of tied when it comes to co-ops," Hall said.

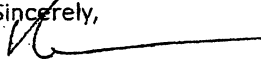
As for the current matter at hand (Foard), he said the SEC does not appear to be listening to its membership on the whole.

My response to all operational matters pertaining to the SEC has been to maintain the "status quo" by simply requesting to negotiate a franchise agreement with the City and otherwise refusing to be accountable for the current status of co-op operations.

It should be understood by all parties that the acquisition of SEC assets by the City can be done in a very simple, efficient and inexpensive manner. Should co-op members, by virtue of their ownership in co-op assets, be included in the decision process, the SEC members and City tax payers (in many cases one in the same) will avoid any and all fees and expenses associated with a disputed and contested legal process. It is my contention that co-op members should be given the opportunity to voice their opinion regarding municipal acquisition. I would hope the board and management of the SEC, in accordance with co-op principles, would include the member/owners in this very important process. By allowing the owners to voice their opinion and exercise their right of ownership, both co-op members and tax payers can avoid the unnecessary expense of a disputed acquisition process.

Please understand that should the member/owners of the SEC choose to support the current operations of the SEC as opposed to a municipal acquisition, the City will honor their wishes and resume franchise agreement discussions with the SEC. However, you should also be aware that should the co-op member/owners choose an alternative to what is now being provided by the current board and management of the co-op, the City fully intends to follow through with the acquisition. While serving as Mayor since 1990, I have witnessed first hand what a well-run co-op can mean to a rural community such as Socorro so please understand that this matter is not about, or intended to be about, co-ops in general, but rather the governance of this particular organization.

Sincerely,


Ravi Bhasker, Mayor
City of Socorro

Socorro City Councilors
SEC Board Members
City of Socorro Utility Customers



CITY OF SOCORRO

RAVI BHASKER
MAYOR

GEORGE PATRICK SALOME, JR.
CITY CLERK

111 SCHOOL OF MINES ROAD
P.O. DRAWER K
SOCORRO, NEW MEXICO 87801
PHONE: (575) 835-0240
FAX: (575) 838-4027

August 20, 2014

Charles T. Pinson Jr., President

NMRECA Board of Directors

PO Box 230

Artesia, NM 88211

Dear Mr. Groenewold:

This correspondence is written to provide you with some information and insight surrounding the recent decision of the Socorro City Council to consider the acquisition of Socorro Electric Cooperative assets within the Socorro City limits. Please understand that as Mayor (since 1990) of the City of Socorro, I have witnessed first-hand the benefits of a well-run electric cooperative. However, in my opinion, in the last few years, Socorro Electric Cooperative, has deviated from the accepted co-op principles which are the cornerstone of cooperatives throughout the United States. In my opinion, and based on the consumer information I have been receiving from local residents, a large percentage of these residents have lost confidence in Socorro Electric Cooperative. The process of acquiring the assets of Socorro Electric Cooperative (by the City) has been fueled not by the City's elected officials but rather the lobbying efforts and area-wide dissatisfaction in co-op operations.

The acquisition of co-op assets is not of a hostile nature but rather an action taken on behalf of our constituents who also serve as member/owners of the SEC. I enclose for your review documents which explain both the position of the City of Socorro and the management and Board of the SEC.

Document 1 – An e-mail from Ms. Anne Dorough to SEC Board members discussing a previous City Council meeting dated June 14, 2014.

Document 2 – City of Socorro Resolution No. 14-06-16 dated June 16, 2014.

Document 3 – Anne Dorough “Letter to the Editor” regarding the “potential costs” of acquisition by the City dated July 24, 2014. This letter was circulated area-wide.

Document 4 – City Council Resolution No. 14-07-21 dated July 21, 2014.

Document 5 – Letter from Mayor Bhasker to City residents updating the City residents on the status of the acquisition.

Document 6 – Letter from Mayor Bhasker dated July 28, 2014 to Board President Anne Dorough responding to her July 17, 2014 Letter to the Editor.

Please know that as Mayor, I understand the benefits of the electric cooperative structure as well as the specific benefits to a community that a well-run cooperative brings. However, I, as an elected official, cannot disregard the continued concerns of area residents. As you can see from the enclosed information, the City is not interested in a long, drawn out legal battle but rather a process that allows the co-op principle of democratic control (by the members) to determine the outcome of the proceedings. I hope you feel as I do that the seven principles of electric cooperatives are the foundation by which member/owners value a cooperative and which are not to be distorted by management and the Board of Trustees in a self-serving manner.

If you have any questions, please feel free to contact me at 505-480-6172 or 575-835-0240.

Sincerely,



Ravi Bhasker, Mayor

City of Socorro

061414- email – Dorough-board-on City Meeting

(This correspondence was read by Mayor Bhasker at the City Council meeting 6/16/14)

To: Trustees, Wiggins, Herrera and Latasa on meeting with Mayor Bhasker.

Twice, Joseph has, at my behest, contacted Mayor Ravi Bhasker and requested that we might meet in private to discuss the benefits to everyone of pursuing a franchise agreement instead of an expensive takeover. At first the Mayor agreed to the meeting and then changed his mind. He appears to prefer to make provocative remarks in public about sending signals to the "uncooperative" board members and shuns a written request for a productive meeting without an audience.

The Socorro Electric Cooperative takes this matter seriously and refuses to participate in this charade. There will be no official spokesperson attending this circus. Board members are reminded that only the President or the General Manager can speak on behalf of the cooperative.

Anne Dorough - President
District 5 Trustee
Socorro Electric Cooperative
(575)772-2989

RESOLUTION No. 14-06-16

AUTHORIZING THE CITY ADMINISTRATION TO: RECEIVE COMPLAINTS CONCERNING SOCORRO ELECTRIC COOPERATIVE, INC. (SEC) AND INVESTIGATE THE FEASIBILITY OF ACQUIRING THAT PORTION OF SEC SERVING THE CITY OF SOCORRO.

WHEREAS, the franchise authorizing SEC's use, rental and occupancy of the City of Socorro rights-of-way has expired; and

WHEREAS, the City has been inundated with constituent complaints regarding SEC's rates and service quality; and

WHEREAS, SEC has been completely unresponsive to constituent complaints regarding SEC rates and service quality; and

WHEREAS, SEC's rates and poor service quality have been an impediment to growth and economic development in the City; and

WHEREAS, SEC has been unable to assemble a quorum of its membership in over two years in order to conduct routine business; and

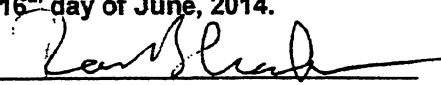
WHEREAS, SEC's bylaws, Board composition and inability to assemble a quorum have contributed to SEC's rate and service quality issues and its ability to be responsive to the City and its constituents; and

WHEREAS, the City desires to receive complaints concerning SEC and investigate the feasibility of acquiring that portion of SEC serving the City of Socorro.


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOCORRO:

1. It is in the public interest to: receive complaints concerning SEC and to thoroughly investigate the feasibility of acquiring that portion of SEC serving the City of Socorro.
2. The City Administration is directed to designate a City location which shall receive any constituent complaints regarding SEC.
3. The City Administration is directed to investigate the feasibility of acquiring that portion of SEC serving the City of Socorro including in particular:
 - a. The prerequisites to any municipal acquisition of a utility system and the necessity for an election on the issue;
 - b. Available funding sources for such acquisition;
 - c. The service territory to be served and the assets that would have to be acquired to accomplish that service;
 - d. The City's authority to acquire such assets via eminent domain; and
 - e. The value of the SEC assets to be acquired.
4. The City Administration is also authorized to evaluate/explore the possibility of having another franchise become the provider of services for the entire SEC service area.

Passed, Approved and Adopted this 16th day of June, 2014.


Ravi Bhasker, Mayor

ATTEST:


at Salome, City Clerk

Letters to the Editor (07/24/14)

by Staff | July 24, 2014 | Filed under: Opinion

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There's a better way to work out our differences. SEC currently operates in Socorro under an expired franchise agreement giving the co-op the right of way for its lines, poles, substations, transformers and equipment to deliver power to homes and business across town.

Since last year, SEC has sought a meeting with Mayor Ravi Bhasker to negotiate renewing the franchise agreement, which both still honor. Unfortunately, the mayor has said he prefers the open forum council meetings with its audience of supporters.

If the city continues on its present course, expect years of expensive legal wrangling. If the co-op refuses to sell, the city has suggested it could condemn co-op assets in the city through eminent domain.

However, the legal basis of that is unclear and untested. Get ready to pay more legal fees.

And experience shows the co-op is likely to end up continuing to serve city customers.

The truth is, rates for Socorro customers would go up because buying the assets would cost the city many millions and the municipal utility would have fewer customers to share costs of operation.

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And here's the final catch: nearly all SEC ratepayers in the city of Socorro are also taxpayers in town. City residents with an SEC account for electric service would pay for lawyers on both sides to fight each other over the right to sell them power.

Rural customers outside the city will also have to pay to defend the integrity of their co-op and fend off a rise in rates due to a municipal takeover. It's a lose-lose deal for everyone except the lawyers. The city should stop.

We will keep in touch with our co-op members as this issue develops. We encourage them to bring their questions to us. Our district meetings in October and November are a great opportunity to get involved.

Sincerely,

Anne L. Dorrough

Socorro Electric Cooperative

President & District V Trustee

City of Socorro
Resolution No. 14-07-21

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4. Evaluate/explore the possibility of having another franchise become the provider of services for the entire SEC service area, and;

WHEREAS, The City of Socorro and the SEC (since inception) have been able to conduct business by means of the franchise agreement process, however, this process has not been able to adequately address or influence the handling of numerous issues which recently have been brought before the City Administration and City Council, and;

WHEREAS, The lack of democratic control, inability of the management of the SEC to draw a quorum of its member/owners, lack of desire by SEC management to assist and pursue a quorum, desire by SEC management and their legal counsel to take every opportunity to keep member/owners from realizing a quorum and to unduly delay member/owner potential policy changes brought forth by the membership has created unrest and lack of trust in the cooperative system, and;

WHEREAS, High employee turnover, high electric rates and high monthly legal fees are a direct result of the inefficiencies associated with Socorro Electric Cooperative business practices and the unwillingness of SEC management to operate the local cooperative in conjunction with the seven principles of cooperatives*, and;

WHEREAS, Since the City of Socorro first became involved in the SEC issues herein described, no progress pertaining to customer service, democratic control and community involvement has been made, and;

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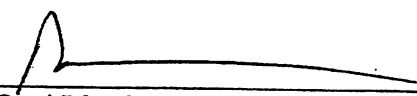
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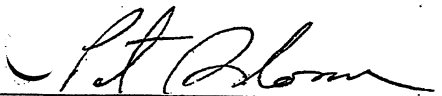
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Be it further understood that by passage of this resolution, the Socorro City Council encourages the SEC Board to give the member/owners an opportunity to vote on the question regarding municipal acquisition.

Passed, Approved and Adopted this 21st day of July 2014.


Ravi Bhasker, Mayor

ATTEST:


Pat Salome, City Clerk

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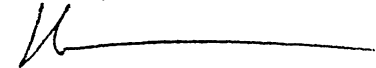
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This matter is not about cooperatives in general, but rather, the governance of this particular cooperative and the lack of desire of the Board of Trustees and current management to include the member/owners in decisions regarding the SEC operations.

Sincerely,



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July 28, 2014

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Socorro Electric Cooperative
PO Box H
Socorro, NM 87801

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"The PRC's hands are kind of tied when it comes to co-ops," Hall said.


As for the current matter at hand (Foard), he said the SEC does not appear to be listening to its membership on the whole.

Your response to all operational matters pertaining to the SEC has been to maintain the "status quo" by simply requesting to negotiate a franchise agreement with the City and otherwise refusing to be accountable for the current status of co-op operations.


It should be understood by all parties that the acquisition of SEC assets by the City can be done in a very simple, efficient and inexpensive manner. Should co-op members, by virtue of their ownership in co-op assets, be included in the decision process, the SEC members and City tax payers (in many cases one in the same) will avoid any and all fees and expenses associated with a disputed and contested legal process. It is my contention that co-op members should be given the opportunity to voice their opinion regarding municipal acquisition. I would hope the board and management of the SEC, in accordance with co-op principles, would include the member/owners in this very important process. By allowing the owners to voice their opinion and exercise their right of ownership, both co-op members and tax payers can avoid the unnecessary expense of a disputed acquisition process.

Please understand that should the member/owners of the SEC choose to support the current operations of the SEC as opposed to a municipal acquisition, the City will honor their wishes and resume franchise agreement discussions with the SEC. However, you should also be aware that should the co-op member/owners choose an alternative to what is now being provided by the current board and management of the co-op, the City fully intends to follow through with the acquisition. While serving as Mayor since 1990, I have witnessed first hand what a well-run co-op can mean to a rural community such as Socorro so please understand that this matter is not about, or intended to be about, co-ops in general, but rather the governance of this particular organization.

Sincerely,


Ravi Bhasker, Mayor
City of Socorro

cc: Socorro City Councilors
SEC Board Members
City of Socorro Utility Customers



City of Socorro
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Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Ernest Pargas, Councilor Nick Fleming, Councilor Mary Ann Chavez-Lopez, Councilor Peter Romero, Councilor Michael Olguin, Councilor Donald Monette and Councilor Toby Jaramillo. Councilor Gordy Hicks was absent.

PLEDGE OF ALLEGIANCE

Mayor Ravi Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF FEBRUARY 18, 2014 CITY COUNCIL MEETING AGENDA

Councilor Monette made a motion to approve the agenda as presented. Seconded by Councilor Romero, motion passed unanimously.

CONSIDERATION OF MINUTES


a. February 3, 2014

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Fleming, motion passed unanimously.

Councilor Pargas reminded the City Council that the minutes are the official record of each City Council meeting and this item on the agenda is the only opportunity to either approve or amend the minutes if they so choose.

Councilor Romero requested a change to the February 3, 2014 minutes. Councilor Romero stated that the item under Committee Reports referring to Lonnie Zamora's UFO sighting should say "50th" rather than "505th". The minutes will be amended to reflect the requested change.


PUBLIC FORUM



Mayor Bhasker introduced Mario Telles, a journalism/communications student from UNM who was recording the City Council meeting for a class assignment. Mr. Telles thanked the Mayor and Council for welcoming him to the meeting.

Dave Finley provided a handout regarding the Civil Air Patrol's Glider Program and gave a brief description of the program. Mr. Finley stated that in 2013, there were 399 glider flights and 220 of those flights were done at Socorro's municipal airport. Mayor Bhasker thanked Mr. Finley for his presentation.

Charles Mandeville stated that he has lived in Socorro for 50 years and has always been interested in the history of the area. Mr. Mandeville stated that he has participated in the Civil War Re-Enactment for 17 years and for 15 of those years, the City provided the event with Lodger's Tax Funds. Mr. Mandeville stated that he provided a request for Lodger's Tax Funds to the Lodger's Tax Committee and his request was approved by the Committee. Mr. Mandeville stated that once the request made it to the Administration, the request was denied and stated that he wanted to know why the request was denied. Mayor Bhasker stated that there were several reasons the Administration denied the request. Mayor Bhasker stated that two years ago, Mr. Mandeville removed the United States flag and placed the Confederate flag upon the City's flagpole without permission and that several citizen complaints were received. Mayor Bhasker stated he feels the re-enactment, as portrayed, has become subjective in nature and only certain ideas about what the Civil War was truly about are being depicted during the local re-enactment. Mayor Bhasker stated that the Civil War Re-Enactment may have their event in the City but that the City cannot financially support the event. Councilor Olguin requested that Mr. Mandeville keep a tally on how many people the event brings into Socorro. Councilor Monette stated that there must be a public awareness regarding events and rules for the events. Mayor Bhasker stated that the City Council can override the Administration's decision (regarding funding) and he would be happy to place the item on the next agenda for consideration as a decision cannot be made under Public Forum. Mr. Salome suggested that Mr. Mandeville provide a list of expenditures to assist the City Council with their decision. Mayor Bhasker stated that while the Lodger's Tax Committee is an advisory committee, the Administration makes the final decision and he would be happy to have the City Council make the final decision regarding this event if they so choose.



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DISCUSSION AND DELIBERATION

a. Amendment to Engineering Agreement – Dennis Engineering – Waterline Replacement Project

Mable Gonzales, Finance Director, presented an amendment to the engineering agreement with Dennis Engineering for the Waterline Replacement Project. Ms. Gonzales stated that the amount of the amendment is \$5,855.74 and the amendment is needed to comply with testing and reports being required by the State Historic Preservation Office for the project.

Councilor Monette made a motion to approve the amendment to the engineering agreement with Dennis Engineering for the Waterline Replacement Project. Seconded by Councilor Romero, motion passed unanimously.

b. Socorro County Substance Abuse Prevention Grant

1. DFL Coordinator Contract

Councilor Pargas stated that the Substance Abuse Prevention Grant requires a program evaluator and that Patricia Lincoln of DFL Associates Inc. is being recommended to fill that position. Ms. Lincoln stated that she is an approved evaluator and her function will be to provide data, provide assessment support, help design the strategic plan, design a logic model and put an evaluation plan in place.

Councilor Pargas made a motion to approve Patricia Lincoln of DFL Associates Inc. to be the program coordinator for the Substance Abuse Prevention Grant. Seconded by Councilor Fleming, motion passed unanimously.

2. SCPC Coordinator Contract

Councilor Pargas stated that the Substance Abuse Prevention Grant requires a program coordinator and that Savannah Morris is being recommended to fill that position. Councilor Pargas stated that the final contract is currently being amended and that a draft was provided to the Councilors in the packets. Ms. Gonzales provided a relationship flow chart showing the different grants that Councilor Pargas has helped acquire for which the City is the fiscal agent. Councilor Pargas stated that he is grateful to the City Council and Administration for supporting the grants.

Councilor Fleming made a motion to approve Savannah Morris as the Substance Abuse Prevent Grant program coordinator. Seconded by Councilor Pargas, motion passed unanimously.

c. Automatic Aid Agreement – Socorro Fire Department

Joe Gonzales, Fire Chief, presented an automatic aid agreement between the Socorro Fire Department, San Antonio Fire Department (Socorro County) and Midway Hose Company (Socorro County). Chief Gonzales stated that the purpose of the agreement is to render automatic aid and assistance to one another in suppressing structural fires and to protect and promote public health, welfare and safety to the citizens.

Councilor Monette made a motion to approve the automatic aid agreement between the Socorro Fire Department, San Antonio Fire Department (Socorro County) and Midway Hose Company (Socorro County). Seconded by Councilor Jaramillo, motion passed unanimously.

d. Voting Machine Use Agreement with Socorro County

Mr. Salome presented an agreement between the City of Socorro and Socorro County that would allow the City to use the County's voting machines for the March 4, 2014 regular municipal election.

Councilor Monette made a motion to approve the voting machine use agreement between the City and the County. Seconded by Councilor Romero, motion passed unanimously.

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e. Resolution No. 14-02-18 – Application for Funding – Drainage System Improvements Project

Mayor Bhasker presented Resolution No. 14-02-18 which, if approved, allows the City to apply for funding from the New Mexico Water Trust Board for a drainage system improvements project for the Cuba Road area.

Councilor Monette made a motion to approve Resolution No. 14-02-18. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

COMMITTEE REPORTS

None.

DEPARTMENT DIRECTOR REPORTS

Mable Gonzales, Finance Director, reminded utility customers about the importance of looking at their utility bill each month to watch the usage for problems such as leaks.

George Van Winkle, Police Chief, provided a handout to the Mayor and Council of Police Department stats from January 2014 (90 arrests, 131 citations, 3 DWI arrests, 219 police reports filed, 11 traffic accidents, 8,234 calls received by dispatch, etc.). Chief Van Winkle reminded the public that damage to or removal of political signs is a crime. Mr. Salome stated that home owners and property owners should be asked before a sign is placed on their property.

Joe Gonzales, Fire Chief, provided a handout to the Mayor and Council of Fire Department stats from January 2014 (145 ambulance runs, 8 fire calls, etc.). Chief Gonzales stated that there will be an ISO audit in May. Chief Gonzales stated that he will receive notification about a vehicle purchase grant in April. Chief Gonzales stated that Chris Padilla will be retiring at the end of February and he will be advertising for two positions. Chief Gonzales stated that Magdalena EMS suspended their certification and the Socorro Fire Department has been responding to their calls.

Jay Santillanes, Division Director, stated that the JO Gallegos Road project is underway and should be completed in 2 to 3 weeks. Mr. Santillanes stated that there are some extra funds from the project and the engineer would be making a recommendation on how to utilize the funds. Mr. Santillanes stated that a possible project could be landscape rock along the sidewalk, fog sealing the road or reconstructing the truck entrance to Super 8. Mr. Santillanes stated that the Gas Department is replacing natural gas lines in the Skylark Street area. Mr. Santillanes stated that natural gas to Dicaperl was turned off briefly when it was cold but that it has already been turned back on and has been in use for about a month. Mr. Santillanes stated that Street Department crews are doing cleanup in the Industrial Park area and by the flood control. Mr. Santillanes stated that Richardson and Richardson is working on the drawings for the rodeo area cover.

Jennifer Gonzales, Tourism Director, stated that she is currently working on the "Visit Socorro" branding and the City's tourism website. Ms. Gonzales stated that she is working on the Heritage Center's displays to make it a more interactive museum. Mayor Bhasker stated that the Tourism Department provided 70 gift bags for a recent Socorro Gun Club event.

Mike Czosnek, Building Inspector, stated that construction started on a new house and that there were 2 more new houses anticipated in March. Mr. Czosnek stated that the remodel of the old Taco Bell has started and that it will soon be a Little Caesar's Pizza. Mayor Bhasker stated that Little Caesar's Pizza is currently accepting job applications. Mr. Czosnek stated that we expect a submittal from FEMA in 10 to 12 days regarding the levy certification. Mr. Czosnek stated that once certified the flood zone area will not expand as was originally suggested by FEMA. Mr. Czosnek stated that the old Motel 6, which will soon be a Rodeway Inn, is bidding for heating and cooling units. Mr. Czosnek also stated that Town and Country Realty is doing an addition to their building.

Paula Mertz, Library Director, stated that the library received the McHune Grant in the amount of \$2,000 which supports the summer reading program. Ms. Mertz stated that the Friends of the Library recently had their annual meeting and program and had 50 attendees. Ms. Mertz stated that she is waiting on a reimbursement in the amount of \$1,670 from GO Bond 10. Ms. Mertz stated that there are tax forms available at the library.

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Lloyd Martinez, Parks/Production/Water/Special Projects Superintendent, stated that water and sewer line installation has been completed at the RV park at the soccer fields/rodeo grounds. Mr. Martinez stated that the modular building will be installed at the soccer fields/rodeo grounds next week. Mr. Martinez stated the bathrooms at the soccer fields/rodeo grounds will be completed mid-April. Mr. Martinez stated that there may be a soccer event at the new soccer fields in March. Mr. Martinez stated that Water Department crews finished installing water connections at the Industrial Park (in preparation of paving the road) and will now start installing sewer connections. Mr. Martinez stated that crews will do a hydrant flush in the spring and also a hydrant inventory. Mr. Martinez stated that the Production Department is upgrading the Hefner lift station and will also work on the JO Gallegos lift station. Mr. Martinez stated that the arsenic treatment plants are operating within guidelines and are running 1/3 below the estimated budget. Mr. Martinez stated that preparation (for summer use) has started on the swimming pool. Mr. Martinez stated that crews will do a spring flush of manholes and spray for cockroaches in the manholes. Mr. Martinez stated that crews are working on blowers and have installed a gas detection alarm at the Wastewater Treatment Plant.

Michael Lucero, Sanitation/Landfill/Recycling Director, stated that all landfill equipment is running properly. Mr. Lucero stated that the tub grinder is currently being repaired. Mr. Lucero stated that crews have been hauling rip rap from the soccer fields, baling tires and picking up litter. Mr. Lucero stated that one of the residential sanitation trucks is being repaired. Mr. Lucero stated that recycling pickup for local business is currently ongoing.

NEW BUSINESS

None.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

In light of recent events, Mayor Bhasker asked Mr. Czosnek to explain the transient vendor process. Mr. Czosnek stated that the City has a transient vendor ordinance which states vacant property owners must apply for a special use permit in order to allow transient vendors to sell merchandise on their property. Mr. Czosnek stated that he had to move several vendors on Valentine's Day who had set up on property that did not have the special use permit. Mr. Salome stated that the ordinance was approved to preserve and protect local businesses who must comply with zoning, etc.

a. Socorro Electric Cooperative Franchise Update – Discussion of Options

Mayor Bhasker stated that he had met with the City's attorney in regards to the SEC franchise agreement, and other general issues, and discussed several options. Mayor Bhasker stated that those options include: 1) leaving everything the way it currently is, 2) try and have a dialogue with the SEC manager to create a new relationship between the City and the Co-Op, 3) put the electric franchise up for bid or 4) have the City purchase that portion of the Co-Op that is inside the City limits. Mayor Bhasker stated that he feels SEC trustees are making decisions that adversely affect Socorro citizens such as holding their meetings on Wednesdays at 10:00 a.m. so not everyone can attend. Mayor Bhasker stated that 4 out of the 5 trustees live outside of the City of Socorro and members in the City are not being served as they should. Mayor Bhasker stated that he would like the City Council to discuss getting an appraisal of that portion of the Co-Op inside the City limits and find out what the debt service is. Mayor Bhasker stated that in 2012, the SEC paid \$14 million for electricity and billed approximately \$24 million. Mayor Bhasker stated that the City has been unable to get any useful information from the SEC. Mayor Bhasker stated that the City can handle the electricity if it has to and if the trustees are unwilling to work with the City, the City may look into purchasing the SEC (within the franchise area). Mayor Bhasker stated that the City of Belen offered their boom truck and helped the City put up Christmas lights because the SEC was unwilling to do so without charging a fee. Mayor Bhasker stated that he feels the SEC must be more responsive to the public. Mayor Bhasker stated that the City's attorney, Nann Winter, has tremendous experience in franchise agreements and is advising the Administration.

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b. Reporting on Personnel Changes

Councilor Romero motioned to approve the personnel changes as read by Mayor Bhasker:

Chris Padilla – 2-28-14 – Fire – Retirement

Humberto Lucero – 3-1-14 – Fire – Completed Probation – A-25 to A-26

Temporary New Hires: Tony Silva, Peter Maldonado

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Paul Marquez, Carlos Alvarado, Ramiro Garza, Albert Hernandez, George Romero, Mike Jojola, Elias Jacquez, Dolores Medina, Regina Valencia, Sergio Cuevas, Angelica Vega, Michael Padilla, Jeremy Chavez, Brittany McDaniel

Student Workers: Matthew Jojola, Tamera Chavez, Maria Alderete, Giovanna Rosas, Angelica Lopez, Deanna Blair, Samantha Maldonado, Geir Hareland

Referees (7), Zumba (2)

The motion was seconded by Councilor Fleming. Councilor Pargas, Councilor Jaramillo, Councilor Olguin, Councilor Fleming, Councilor Monette and Councilor Romero voted in favor of the motion. Councilor Chavez-Lopez abstained from the vote and in accordance with the Governing Body Rules of Procedure, stated that her son was on the list to be approved. Motion passed.

c. Business Registrations

Councilor Monette motioned to approve the business registrations as read by Mayor Bhasker:

Scooter's Computers – C-2 – 1101 State Road 1 – Corporation – Service

Rick Blank – Out of Town – Duchesne, UT – Rickey Griffin – Blanket Sales

Pat Alexander Enterprises – Out of Town – Albuquerque, NM – Corporation - Contractor

Seconded by Councilor Chavez-Lopez, motion passed unanimously.

d. Voucher Run

Councilor Fleming made a motion to approve vouchers 128959 to 129299 in the amount of \$1,166,880.47, plus Payroll Transfers (\$311,165.57), for a total of \$1,478,046.04.

The motion was seconded by Councilor Pargas. Councilor Pargas, Councilor Jaramillo, Councilor Chavez-Lopez, Councilor Fleming, Councilor Monette and Councilor Romero voted in favor of the motion. Councilor Olguin abstained from the vote (no reason given). Mr. Salome stated that the abstention (on the voucher run) must be for a financial reason or other conflict of interest. In contrast to Councilor Chavez-Lopez (above) and to the City's Governing Body Rules of Procedure, no reason for abstaining was given by Councilor Olguin, therefore, no reason is being recorded in the minutes to support and explain the official action. Motion passed.

e. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, March 3, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 7:50 p.m., Councilor Monette motioned to adjourn. Seconded by Councilor Fleming, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation


/s/

Ravi Bhasker, Mayor

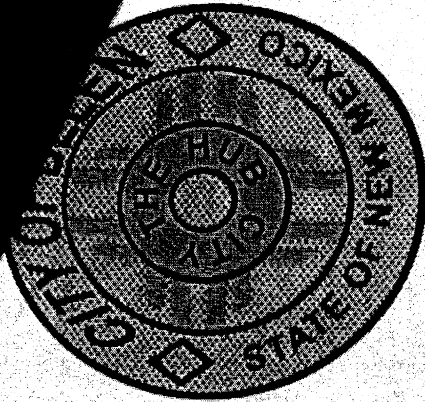
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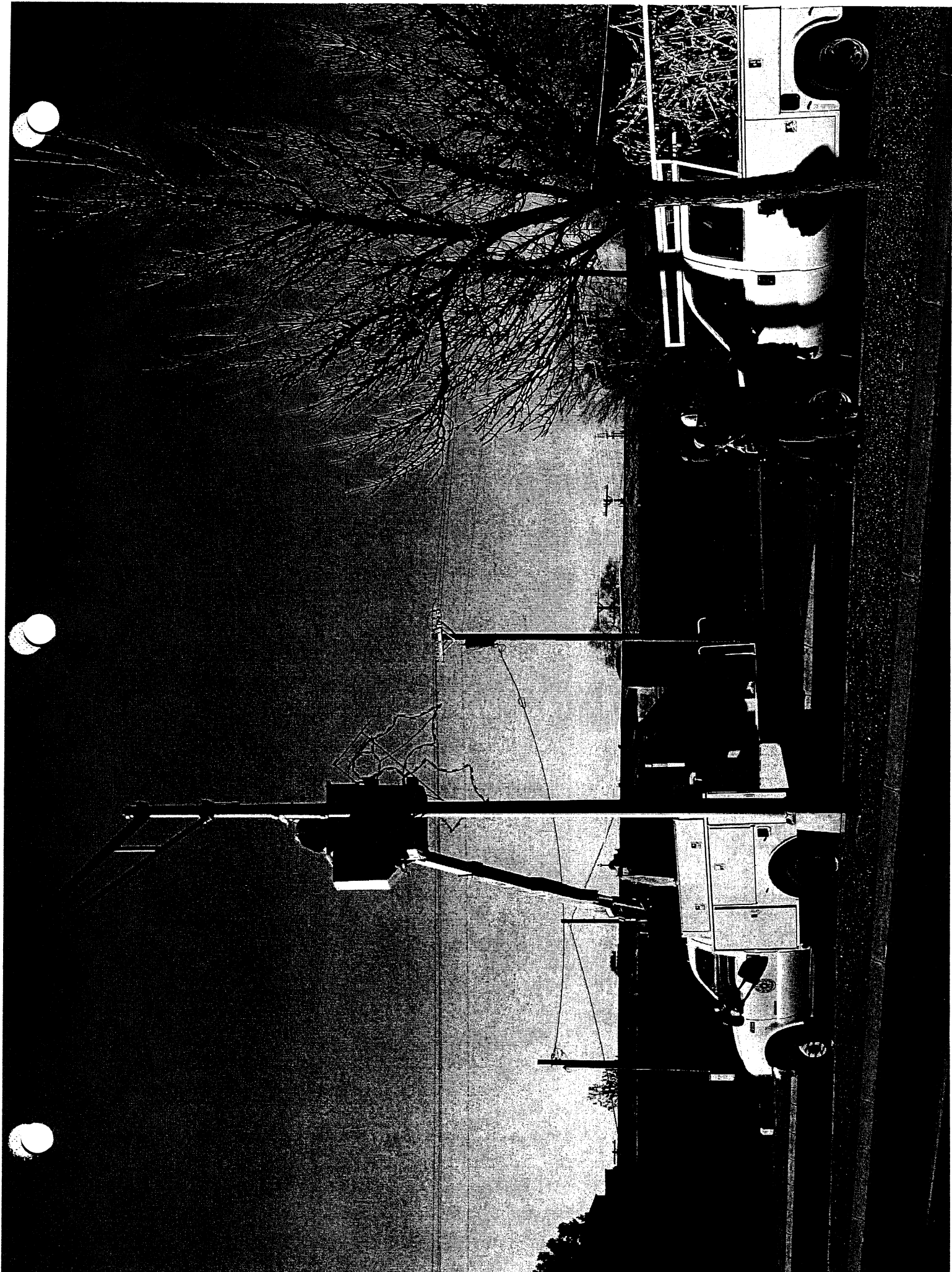
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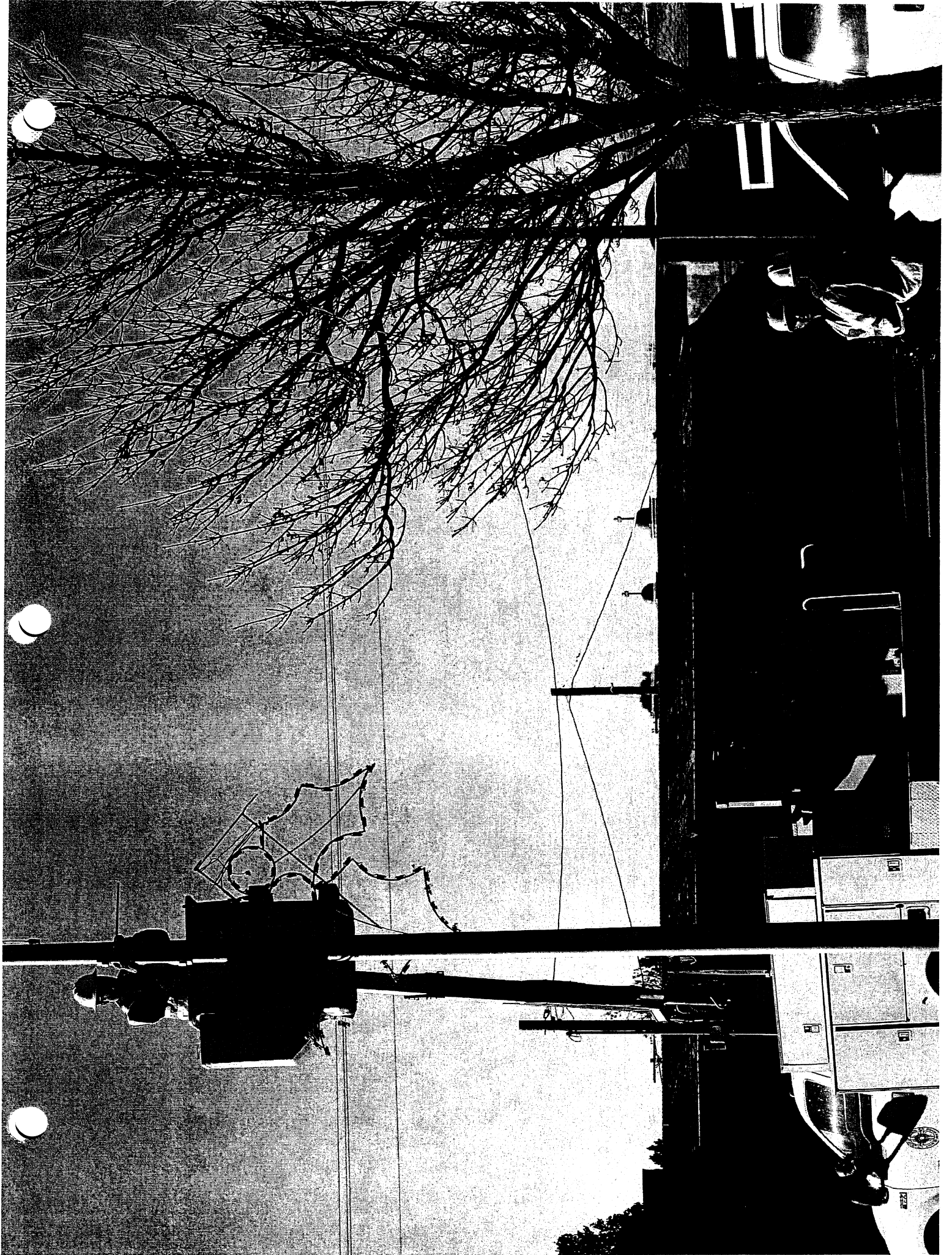
Pat Salome, City Clerk



**City of Socorro
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061414- email – Dorough-board-on City Meeting

(This correspondence was read by Mayor Bhasker at the City Council meeting 6/16/14)

To: Trustees, Wiggins, Herrera and Latasa on meeting with Mayor Bhasker.

Twice, Joseph has, at my behest, contacted Mayor Ravi Bhasker and requested that we might meet in private to discuss the benefits to everyone of pursuing a franchise agreement instead of an expensive takeover. At first the Mayor agreed to the meeting and then changed his mind. He appears to prefer to make provocative remarks in public about sending signals to the "uncooperative" board members and shuns a written request for a productive meeting without an audience.

The Socorro Electric Cooperative takes this matter seriously and refuses to participate in this charade. There will be no official spokesperson attending this circus. Board members are reminded that only the President or the General Manager can speak on behalf of the cooperative.

Anne Dorough - President
District 5 Trustee
Socorro Electric Cooperative
(575)772-2989

II. Inspection of Public Records Act

14-2-1. Right to Inspect Public Records; Exceptions.

- A. Every person has a right to inspect public records of this state except:
 - (1) records pertaining to physical or mental examinations and medical treatment of persons confined to any institution;
 - (2) letters of reference concerning employment, licensing or permits;
 - (3) letters or memorandums which are matters of opinion in personnel files or students' cumulative files;
 - (4) law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime. Law enforcement records include evidence in any form received or compiled in connection with any criminal investigation or prosecution by any law enforcement or prosecuting agency, including inactive matters or closed investigations to the extent that they contain the information listed above;
 - (5) as provided by the Confidential Materials Act;
 - (6) trade secrets, attorney-client privileged information and long-range or strategic business plans of public hospitals discussed in a properly closed meeting;
 - (7) tactical response plans or procedures prepared for or by the state or a political subdivision of the state, the publication of which could reveal specific vulnerabilities, risk assessments or tactical emergency security procedures that could be used to

facilitate the planning or execution of a terrorist attack; and

(8) as otherwise provided by law.

- B. Protected personal identifier information contained in public records may be redacted by a public body before inspection or copying of a record. The presence of protected personal identifier information on a record does not exempt the record from inspection. Unredacted records that contain protected personal identifier information shall not be made available on publicly accessible web sites operated by or managed on behalf of a public body.

14-2-4. Short Title.

Chapter 14, Article 2 NMSA 1978 may be cited as the "Inspection of Public Records Act".

14-2-5. Purpose of Act; Declaration of Public Policy.

Recognizing that a representative government is dependent upon an informed electorate, the intent of the legislature in enacting the Inspection of Public Records Act is to ensure, and it is declared to be the public policy of this state, that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees. It is the further intent of the legislature, and it is declared to be the public policy of this state, that to provide persons with such information is an essential function of a representative government and an integral part of the routine duties of public officers and employees.

14-2-6. Definitions.

As used in the Inspection of Public Records Act:

JERRY A. ARMIJO, P.A.
ATTORNEY AT LAW
206 FISHER N.W.
P.O. BOX 773
SOCORRO, NEW MEXICO 87801
(575) 838-1400
FAX (575) 838-0319
jerryarmi@qwestoffice.net

May 2, 2014

*Certified Mail - Return Receipt Requested and
by e-mail to: service@socorroelectric.com*

Socorro Electric Cooperative
P.O. Box H
215 Manzanares Avenue
Socorro, NM 87801

RE: Request under the New Mexico Inspection of Public Records Act ("IPRA")

Dear Records Custodian:

I would like to inspect and copy the items described in the enclosed two (2) page list identifying the records with reasonable particularity.

In accordance with the IPRA procedures set forth on your web page, I promise to pay \$1 per page for copying charges. If the copying charges will exceed \$500, please call me to discuss. I understand that I may be asked to pay the fee for copying in advance before you make any copies.

Please provide a receipt indicating the copying charges for each document.

Thank-you for your prompt attention to this matter.

Sincerely yours,



Jerry A. Armijo

Please provide the following pertaining to the Socorro Electric Cooperative ("SEC") system:

- 1-1. A map demonstrating or the general description of the SEC facilities and equipment (transmission, distribution, meters, substations) located in the City limit of Socorro.
- 1-2. A map demonstrating or the general description of the SEC facilities and equipment (transmission, distribution, meters, substations) located within the City limits of Socorro and including that area extending 5-miles from the City limit.
- 1-3. The following data/information pertaining to the SEC system in total and pertaining specifically to the City of Socorro (if available) for the most recently completed three (3) fiscal years.
 - a. No. of customers served by customer class (residential, commercial, industrial, other) and by rate schedule (e.g., Residential - 4/40, Small Commercial Single Phase-2);
 - b. kWh sales by customer class and by rate schedule;
 - c. Revenue by customer class and rate tariff;
 - d. System losses (in kWh or as a percent of energy input to the distribution system).
 - e. History of system outages;
 - f. Customer complaint history (number and description of complaint).
- 1-4. A copy of the current rate tariffs applicable to SEC customers, including a copy of the general terms and conditions.
- 1-5. A copy of SEC's most recent rate/cost of service study completed in support of the current rate tariffs.
- 1-6. A copy of SEC's audited annual financial reports for the most recently completed three fiscal years, as available.
- 1-7. A copy of the most recent load forecast (customer, demand and energy) prepared for the SEC electric system.
- 1-8. A copy of any annual financial and operating budgets prepared for the SEC electric system applicable to the current fiscal year and beyond.
- 1-9. A detailed inventory (e.g., detailed plant ledger) of electric facilities and equipment as of the most recent fiscal year-end, showing the following for the electric system in total and for the City of Socorro (if available).
 - a. Description of facility or equipment item(s);
 - b. Number of items;
 - c. Vintage Year (i.e., year of installation);
 - d. Estimated useful life (Years) for depreciation purposes;
 - e. Geographic location (e.g. GPS coordinate);
 - f. Installed cost.

- 1-10. A workpaper or other document showing the breakdown of the original cost and accumulated depreciation of all SEC facilities and equipment by type of equipment (land, substation equipment, poles and fixtures, line transformers, power generation equipment, etc.) and the date of installation, as of the most recent fiscal year-end.
- 1-11. A listing of any major capital improvement projects (e.g., capital budget) to be completed during the next five (5) years fiscal years (beginning with the current fiscal year), including a description of each project, estimated cost and projected installation date.
- 1-12. A description of any liens and/or encumbrances currently outstanding on the SEC facilities and equipment and a copy of any such liens and/or encumbrances, in particular, any contract(s) evincing REA or RUS indebtedness.
- 1-13. A description of any power supply and ancillary services contracts, including, the duration of such contract(s) and anticipated term cost, and, a copy of any such contracts.
- 1-14. A copy of any maps and/or diagrams of the entire SEC electric system and the portion of the electric system specifically serving the City.
- 1-15. Any other data and information that would be important to the determination of the current fair market value of the SEC electric system.



CONTACT US CALL BEFORE YOU DIG PHONE DIRECTORY

Change of Public Records Act

Home Your Co-op About Us Services Links Outages Your Bill

Your Co-op

- [By-Laws](#)
- [Approved District Map](#)
- [Articles of Incorporation](#)
- [Become a Member](#)
- [Board of Trustees](#)
- [Capital Credits](#)
- [Co-op Connection Card](#)
- [Join Our Team](#)
- [Phone Directory](#)
- [Service Area/Find Your District](#)
- [Youth](#)

Notice of Right to Inspect Public Records

NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS

BY LAW, UNDER THE INSPECTION OF PUBLIC RECORDS ACT, EVERY PERSON HAS A RIGHT TO INSPECT PUBLIC RECORDS OF THE SOCORRO ELECTRIC COOPERATIVE, INC. (SEC). THE ACT ALSO MAKES COMPLIANCE WITH REQUESTS TO INSPECT PUBLIC RECORDS AN INTEGRAL PART OF THE ROUTINE DUTIES OF THE OFFICERS AND EMPLOYEES OF THE SEC.

PROCEDURES FOR REQUESTING INSPECTION. REQUESTS TO INSPECT PUBLIC RECORDS SHOULD BE SUBMITTED TO THE RECORDS CUSTODIAN, LOCATED AT:

215 E. MANZANARES AVE.
 575-835-0560 - PHONE
 575-835-4449 - FAX
service@socorroelectric.com (Records Custodian)

A PERSON DESIRING TO INSPECT PUBLIC RECORDS MAY SUBMIT A REQUEST TO THE RECORDS CUSTODIAN ORALLY OR IN WRITING. HOWEVER, THE PROCEDURES AND PENALTIES PRESCRIBED BY THE ACT APPLY ONLY TO WRITTEN REQUESTS. A WRITTEN REQUEST MUST CONTAIN THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PERSON MAKING THE REQUEST. WRITTEN REQUESTS MAY BE SUBMITTED IN PERSON OR SENT VIA U.S. MAIL, EMAIL OR FACSIMILE. THE REQUEST MUST DESCRIBE THE RECORDS SOUGHT IN DETAIL TO ENABLE THE RECORDS CUSTODIAN TO IDENTIFY AND LOCATE THE REQUESTED RECORDS.

THE RECORDS CUSTODIAN MUST PERMIT INSPECTION IMMEDIATELY OR AS SOON AS PRACTICABLE, BUT NO LATER THAN 15 CALENDAR DAYS AFTER THE RECORDS CUSTODIAN RECEIVES THE INSPECTION REQUEST. IF INSPECTION IS NOT PERMITTED WITHIN THREE BUSINESS DAYS, THE PERSON MAKING THE REQUEST WILL RECEIVE A WRITTEN RESPONSE EXPLAINING WHEN THE RECORDS WILL BE AVAILABLE FOR INSPECTION OR WHEN THE PUBLIC BODY WILL RESPOND TO THE REQUEST. IF ANY OF THE RECORDS SOUGHT ARE NOT AVAILABLE FOR PUBLIC INSPECTION, THE PERSON MAKING THE REQUEST IS ENTITLED TO A WRITTEN RESPONSE FROM THE RECORDS CUSTODIAN EXPLAINING THE REASONS INSPECTION HAS BEEN DENIED. THE WRITTEN DENIAL SHALL BE DELIVERED OR MAILED WITHIN 15 CALENDAR DAYS AFTER THE RECORDS CUSTODIAN RECEIVED THE REQUEST FOR INSPECTION.

PROCEDURES FOR REQUESTING COPIES AND FEES. IF A PERSON REQUESTING INSPECTION WOULD LIKE A COPY OF A PUBLIC RECORD, A REASONABLE FEE MAY BE CHARGED. THE FEE FOR LARGER DOCUMENTS IS \$1.00 PER PAGE. FOR RECORDS OTHER THAN DOCUMENTS, THE REASONABLE FEE IS \$1.00 PER PAGE. THE RECORDS CUSTODIAN MAY REQUEST THAT APPLICABLE FEES FOR COPYING PUBLIC RECORDS BE PAID IN ADVANCE, BEFORE COPIES ARE MADE. A RECEIPT INDICATING THAT THE FEES HAVE BEEN PAID FOR MAKING COPIES OF PUBLIC RECORDS WILL BE PROVIDED UPON REQUEST TO THE PERSON REQUESTING THE COPIES.



RESTORING THE CALM AFTER THE STORM

FIND OUT MORE ABOUT THE POWER OF CO-OP MEMBERSHIP >>

JERRY A. ARMJO, P.A.
ATTORNEY AT LAW
205 FISHER N.W.
P.O. BOX 773
SOCORRO, NEW MEXICO 87801
(575) 835-1400
FAX (575) 835-0319
jarmjo@qwestoffice.net

August 14, 2014

*Certified Mail - Return Receipt Requested and
by e-mail to: service@socorroelectric.com*

Socorro Electric Cooperative
P.O. Box H
215 Manzanares Avenue
Socorro, NM 87801

RE: Second Request under the New Mexico Inspection of Public Records Act ("IPRA")

Dear Records Custodian:

On behalf of my client, the City of Socorro, I submitted on May 2, 2014, a request under the IPRA ("first IPRA request"). On or about July 16, 2014, I retrieved from the SEC offices a box containing SEC's compilation of documents in response to the first IPRA request.

After reviewing the compilation of documents, it is apparent that the SEC has failed and refused to provide the requested documents or affirmatively state the documents do not exist. **I am therefore submitting a second request under the IPRA.**

I would like to inspect and copy the items described in the enclosed one (1) page list identifying the records with reasonable particularity. I note that requested items 1-1 through 1-8 are essentially duplicate requests from the first IPRA request. To the extent SEC does not possess the documents or have reasonable access to the documents, SEC shall specifically state the reasons the documents may not be available. It is further requested that SEC respond to each numbered request separately by designating the documents as corresponding with each numbered request. For example, any documents made available under item 1-1 shall designate those documents as item 1-1 documents.

For your convenience, requested items 1-9 through 1-12 are new requests.

In accordance with the IPRA procedures set forth on your web page, I promise to pay \$1 per page for copying charges. If the copying charges will exceed \$500, please call me to discuss. I understand that I may be asked to pay the fee for copying in advance before

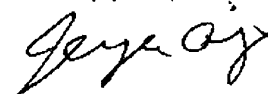
SEC IPRA request
Page 2 of 2
August 14, 2014

you make any copies. If possible, I would prefer that the documents be made available in electronic form.

Please provide a receipt indicating the copying charges for each document.

Thank-you for your prompt attention to this matter.

Sincerely yours,



Jerry A. Armijo

enc. As stated

cc: City of Socorro
Wiggins, Williams & Wiggins, P.C.

Please provide the following pertaining to the Socorro Electric Cooperative ("SEC") system:

- 1-1. A map demonstrating or the general description of the SEC meters located in the City limit of Socorro.
- 1-2. A map demonstrating or the general description of the SEC facilities and equipment (transmission, distribution, meters, and substations) located within the City limits of Socorro and including that area extending 5-miles from the City limit.
- 1-3. The following data/information pertaining to the SEC system in total and pertaining specifically to the City of Socorro (if available) for the most recently completed three (3) fiscal years.
 - a. History of system outages;
 - b. Customer complaint history (number and description of complaint).
- 1-4. Geographic location (e.g. GPS coordinate) of electric facilities and equipment as of the most recent fiscal year-end, showing the following for the electric system in total and for the City of Socorro (if available).
- 1-5. A listing of any major capital improvement projects (e.g., capital budget) to be completed during the next five (5) years fiscal years (beginning with the current fiscal year), including a description of each project, estimated cost and projected installation date.
- 1-6. A description of any liens and/or encumbrances currently outstanding on the SEC facilities and equipment and a copy of any such liens and/or encumbrances, in particular, any contract(s) evincing REA or RUS indebtedness.
- 1-7. A copy of any maps and/or diagrams of the entire SEC electric system and the portion of the electric system specifically serving the City.
- 1-8. Any other data and information that would be important to the determination of the current fair market value of the SEC electric system.
- 1-9. Copy of any and all policy changes that have gone into effect from January 2011 to present.
- 1-10. Copies of the Enchantment's back page from January 2011 to December 2013.
- 1-11. A list of names and physical address of all consumers paying City of Socorro franchise fees.
- 1-12. Monthly calculation of the franchise fees from January 2011 to present.

SOCORRO ELECTRIC COOPERATIVE

August 20, 2014

Certified Mail – Return Receipt Requested

Jerry A. Armijo, P.A.
205 Fisher N.W.
PO Box 773
Socorro, NM 87801

Re: Inspection of Records Request

Dear Mr. Armijo:

I have received your certified mail second request dated August 14, 2014, on August 18, 2014 under Socorro Electric Cooperative (SEC) bylaw. In compliance with voluntary Inspection of Public Records (IPRA) bylaw SEC has not failed or refused to provide the requested records in your May 2, 2014 request.

Item 1-1, AND 1-2 do not exist.

Item 1-3 in accordance with the voluntary IPRA bylaw, SEC is not required to create such documents or provide an explanation

Item 1-4 please provide the specific pole, meter, or transformer number you are requesting GPS coordinates on.

Item 1-5 was provided as part of your May 2, 2014 under item 1-8.

Item 1-6 in accordance with the voluntary IPRA bylaw, SEC is not required to create description or provide an explanation, but in regards to your May 2, 2014 request of Items 1-5 and 1-6 did included the lien amounts.

Item 1-7 was the closes document that resembled your request and was provide as part of your May 2, 2014 request

RECEIVED

AUG 25 2014

JERRY A. ARMILJO, P.A.



Your Touchstone Energy[®] Cooperative
The power of human connections[®]



www.socorroelectric.com · Phone 575.835.0560 or 1.800.351.7575 Fax · 575.835.4449

SOCORRO ELECTRIC COOPERATIVE

Item 1-8 is so broad of a generalization in your request kindly provide the name of the specific record you are requesting

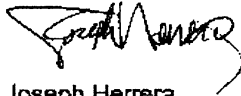
Item 1-9 is so broad of generalization in your request kindly provide the name of the specific record you are requesting for item

Item 1-11, again SEC is not required to create records or provide an explanation in regards to your request

In reference to, Items 1-10 SEC only maintains a current year record and will provide 2014 back pages of the Enchantment. Item 1- 12 is overly burdensome and in order to address your request properly a response will be provided within 30 days of receipt of this letter.

The invoice for the documents requested may exceed \$500.00. Please feel free to contact me if you have any questions.

Sincerely,



Joseph Herrera
CEO/General Manager



Your Touchstone Energy[®] Cooperative
The power of human connections[®]



www.socorroelectric.com · Phone 575.835.0560 or 1.800.351.7575 Fax · 575.835.4449

July 23, 2014

VIA HAND DELIVERY

Mr. Charles Wagner
c/o Socorro Electric Cooperative, Inc.
P.O. Box H
Socorro, New Mexico 87801

Socorro Electric Cooperative, Inc. ("SEC")

Dear Mr. Wagner:

As you know, in the course of our duties as Trustees, we are required to discuss and debate difficult and sensitive issues involving adverse and potentially adverse parties. We now have to discuss and debate issues relating to SEC's franchise agreement with the City of Socorro and SEC's ongoing relationship with the City. Yet again you have breached SEC board Policy 119 Code of Conduct item 3 "The complete confidentiality of business information". Your June 14, 2014 action of forwarding a confidential email that I sent to Trustees regarding the City constitutes willful misconduct and recklessness and demonstrates you are adverse to SEC and do not intend to keep such communications confidential. Your repeated use of the public forum at the City of Socorro Council meetings to criticize the SEC Board, General Manager and counsel is an act of disloyalty to the SEC and violates Board Policy 119 Code of Conduct item 1 duty of loyalty and item 3 individual trustee support for all Board decisions.

As a result, you will not be permitted to attend any executive session of the Board to discuss the City franchise agreement or its relationship with SEC, effective immediately. At the July 23, 2014 Board meeting, there will be a motion to publically censure you for willful misconduct.

Additionally you will be sanctioned as follows: you will not be authorized to attend the upcoming NRECA Region X Conference on behalf of SEC. SEC will notify NRECA that you are not to be provided with any credentials on behalf of SEC. These sanctions, when approved by the Board, will prevail until such time as the Board determines you have demonstrated compliance with your fiduciary obligations to the SEC and duties of conduct in accordance with Board Policies. This letter will be published on the Cooperative's website and the results of the vote to censure you will also be available publically.

Very truly yours,

Anne Dorough
President, Socorro Electric Cooperative, Inc.
Board of Trustees



CITY OF SOCORRO

RAVI BHASKER
MAYOR

111 SCHOOL OF MINES ROAD
P.O. DRAWER K
SOCORRO, NEW MEXICO 87801
PHONE: (575) 835-0240
FAX: (575) 838-4027

GEORGE PATRICK SALOME, JR.
CITY CLERK

32

In June of 2010, the Board of Trustees of the SEC filed suit against the member/owners. An action of this nature indicates the self-serving nature of the Board and total disregard for the member/owners and the cooperative system.

#3957
#132

JY

STATE OF NEW MEXICO
COUNTY OF VALENCIA
THIRTEENTH JUDICIAL DISTRICT COURT

FILED IN CLERK'S OFFICE
DISTRICT COURT CLERK

2010 JUN 29 PH 3:07

GERI LYNN SANCHEZ

BY WJY DEPUTY

JUDGE JOHN W. POPE, DIV. I

THE SOCORRO ELECTRIC COOPERATIVE, INC,

Plaintiff,

vs.

No.

D1314 CV 2010-849

CHARLENE WEST, individually, and
as a member of the Socorro Electric Cooperative, all
UNNAMED MEMBER/OWNERS of the Socorro
Electric Cooperative, Inc. individually, and as
members of the Socorro Electric Cooperative,
The MOUNTAIN MAIL Newspaper, individually,
and as a member of the Socorro Electric Cooperative
and the EL DEFENSOR CHIEFTAIN Newspaper,
individually and as a member of the Socorro
Electric Cooperative,

SUMMONS ISSUED

Defendants.

**COMPLAINT FOR DECLARATORY JUDGMENT AND
INJUNCTIVE RELIEF**

Plaintiff, The Socorro Electric Cooperative, Inc. ("SEC") by their counsel of record,
Dennis Francish, and in support of their Complaint for Declaratory Judgment and Injunctive
Relief allege as follows:

INTRODUCTION

1. This is a civil action for declaratory judgment pursuant to the Declaratory
Judgment Act, NMSA 1978 § 44-6-2. In this action, the SEC seeks to resolve an actual case or
controversy regarding its rights established under its current By-laws, corporate law and certain
By-law changes that are unworkable and ambiguous.

2. The SEC provides powers to approximately 13,000 members of the SEC making it impossible to individually name each defendant. Therefore, Plaintiff requests the Court allow it to effect service by publication upon the unnamed defendants.

3. The SEC seeks a declaratory judgment that it is not a public entity and is therefore not subject to the provisions and requirements of the New Mexico Open Meetings Act and the New Mexico Inspection of Public Records Act, that as a private entity, the Board of the SEC is not obligated to follow the provisions and requirements of the New Mexico Open Meetings Act and the New Mexico Inspection of Public Records Act, and that the Board is not required, obligated or entitled to follow a directive of the membership that is in conflict with state law.

JURISDICTION, VENUE AND REMEDY

4. The SEC is a private not-for-profit corporation that serves a geographical area of the State of New Mexico that includes portions of Cibola, Catron, Socorro, Sierra and Valencia Counties. The SEC is a rural electric cooperative that is owned by its members and serves members and non-members in its service area. The SEC is a public utility pursuant to New Mexico law and is regulated by The New Mexico Rural Cooperative Act, NMSA 1978 62-15-1 *et seq.*

5. All of the Defendants reside or hold their principal place of business in the State of New Mexico in Cibola, Catron, Socorro, Sierra and Valencia Counties.

6. The events complained of herein took place in the State of New Mexico in Cibola, Catron, Socorro, Sierra and Valencia Counties, and against persons and property located in Cibola, Catron Socorro, Sierra and Valencia Counties, New Mexico.

7. This Court has the authority to issue the declaratory and injunctive remedies sought in this action pursuant to the Declaratory Judgment Act, NMSA 1978 § 44-6-2.

8. The Declaratory Judgment Act is a special proceeding that grants the district courts the power to declare rights, status and other legal relations whether or not further relief is or could be claimed. The Declaratory Judgment Act is intended to be liberally construed and administered as a remedial measure. *San Juan Water Comm'n v. Taxpayers & Water Users of San Juan County*, 116 N.M. 106, 109, 860 P.2d 748, 751 (1993).

FACTUAL ALLEGATIONS

9. All previous paragraphs are incorporated herein.

10. The SEC was organized in 1945 for the purpose of supplying adequate and dependable power to the City of Socorro and the rural areas that surround it. Since that date, the SEC has built over 2,700 miles of line in Cibola, Catron, Socorro, Sierra and Valencia Counties.

11. Member/Owners run the SEC through elected representatives called trustees. The Board of Trustees ("Board") manages the business of the SEC on behalf of the members. There are currently ten (10) members of the SEC Board, and several thousand member/owners.

12. The members elect trustees at district meetings, and the trustees are responsible for establishing policy, conducting business and reviewing operations to ensure that the SEC operates within the framework of the established policies and the law. The day to day operations are the responsibility of a manager employed by the SEC Board.

13. Any person, firm, limited liability company, partnership, sole proprietorship, association, corporation, or body politic or subdivision thereof may become a member of the SEC by filing a written application or statement for membership, agreeing to purchase electric

energy from the SEC and agreeing to comply with and be bound by the Articles of Incorporation and By-Laws of the SEC and any rules and regulations adopted by the Board of Trustees.

14. An annual meeting of the members is held between April 1 and May 30 each year for the purpose of passing on reports for the previous fiscal year, and transacting such other business as may come before the meeting.

15. District meetings of the members are held in each district sometime during the month of October or November only in the years when there is an election of trustee(s), for the purpose of electing trustee(s), passing on reports for the previous fiscal year and transacting such other business as may come before the meeting.

16. The SEC By-Laws require that the SEC be operated on a cooperative, non-profit basis for the mutual benefit of its patrons and members at all times.

17. The By-Laws may be altered, amended or repealed by the members at any regular or special meeting, provided that the notice of the meeting contains a copy of the proposed alteration, amendment or repeal.

18. On April 17, 2010 the SEC held its annual meeting of the members whereupon the membership voted in changes to the SEC By-Laws.

19. One of the changes that the membership adopted amended Article VI, Section 1 of the By-Laws to state that the regular meeting of the Board of Trustees "shall be open to the member/owners and representatives of the press with timely notice of the meeting advertized in monthly bill mailings and local newspapers. A section of the meeting agenda shall be reserved for member participation during which member/owners may address the board without prior approval of the board."

20. A second change that the membership adopted amended Article VI, Section 5 of the By-Laws to state "Open Meetings Act. The SEC voluntarily agrees to abide by the Open Meetings Act and Inspection of Public Records Act."

21. A third change that the membership adopted amended Article VIII, Section 8 of the By-Laws to state "The Socorro Electric Cooperative Board of Trustees and Management shall guarantee Transparency of actions with open access to SEC books, records, audits to members, for a proper, non-commercial purpose with the exception of those records which would violate the Privacy Act." This is vague and ambiguous as the Board is not aware of what "Privacy Act" to which the amendment refers.

FIRST CLAIM

22. All previous paragraphs are incorporated herein.

23. The amendment to Article VI, Section 1 of the By-Laws stating that the regular meeting of the Board of Trustees "shall be open to the member/owners and representatives of the press with timely notice of the meeting advertized in monthly bill mailings and local newspapers. A section of the meeting agenda shall be reserved for member participation during which member/owners may address the board without prior approval of the board" will prevent the Board from effectively carrying out the business of the SEC and prevent the Board from meeting its obligation to its members. The Board operates within the corporate laws of the State of New Mexico. There is no legal basis for members or the press to participate in a Board meeting.

24. The SEC is not a public body subject to providing the public, members, owners or the press with timely notice of its meetings other than the annual meeting. The SEC is not a

“board, commission, administrative adjudicatory body, or other policymaking body of any state agency, any agency or authority of any county, municipality, district or subdivision” pursuant to NMSA 1978 §10-15-1(B).

25. The method for members to communicate with the Board is through their elected Trustee(s). To provide the opportunity for every member to speak at each Board meeting without the prior approval of the Board would adversely impact the ability of the Board to conduct business on behalf of the members and essentially grind the meetings to a halt. No corporate business can be effectively conducted in the presence of the press.

26. The SEC has no objection to SEC members making comments or complaints known to the Board prior to the Business section of the Board meeting. However, at the conclusion of the comments portion, non-Board members must leave the remainder of the Board meeting to the direction and operation of the Board. The Board should not be required to conduct a meeting with the media present throughout.

SECOND CLAIM

27. All previous paragraphs are incorporated herein.

28. The amendment to Article VI, Section 5 of the By-Laws stating “Open Meetings Act. The SEC voluntarily agrees to abide by the Open Meetings Act and Inspection of Public Records Act” is a violation of New Mexico state law.

29. The New Mexico Open Meeting Act, (“NMOMA”) NMSA 1978 §10-15-1 *et. seq.* requires that public/governmental business be conducted in full public view, that the actions of public bodies be taken openly, and that the deliberations of public/governmental bodies be open to the public.

30. The NMOMA states in part at NMSA 1978 §10-15-1(A), "... all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them."

31. The NMOMA defines the public meetings subject to the Act at NMSA 1978 §10-15-1(B) as "any board, commission, administrative adjudicatory body, or other policymaking body of any state agency, any agency or authority of any county, municipality, district or subdivision, held for the purpose of formulating public policy, ...".

32. The SEC is not a governmental agency, it is not a public body as described in NMSA 1978 §10-15-1(B), and is therefore not required to follow the requirements of the NMOMA. To require otherwise imposes a hardship on the Plaintiff.

33. The NMOMA is not intended to apply to and does not apply to private entities, and the SEC cannot adequately and appropriately conduct its business if every meeting of the Board is required to occur subject to the NMOMA.

THIRD CLAIM

34. All previous paragraphs are incorporated herein.

35. The amendment to Article VIII, Section 8 of the By-Laws stating "The Socorro Electric Cooperative Board of Trustees and Management shall guarantee Transparency of actions with open access to SEC books, records, audits to members, for a proper, non-commercial purpose with the exception of those records which would violate the Privacy Act" is a violation of New Mexico state law.

36. Although the courts have held that shareholders in New Mexico have a right to inspect at reasonable times and places, a corporation's books and records for proper purposes,

the information must be limited to information reasonably related to the legitimate business interests of the shareholder. The New Mexico Supreme Court found that "even where a shareholder has demonstrated a reasonable relationship to his role as shareholder and the information requested, the acquisition of requested data can still be thwarted where the corporation can demonstrate the harmfulness of allowing access." *Schein v. Northern Rio Arriba Electric Cooperative, Inc.*, 1997-NMSC-011, 932 P. 2d 490 (1997).

37. A blanket statement that the SEC shall "guarantee" transparency of actions and "open access" to SEC records to members does not allow the SEC the opportunity to refuse such disclosure when doing so would be harmful to the SEC and/or its members. In *Schein*, the court held that "we believe that the district court is in a better position to weigh fairly the competing needs and interests of parties affected by the disclosure of corporate documents." *Id.*

38. The Board of Trustees cannot meet its burden and responsibility to conduct the business and affairs of the SEC in the best interest of the members when it is required to open access to its books, records, audits to members without the reservation of right to determine if such access would be harmful to the SEC and its members.

39. The SEC complies with current New Mexico law on disclosure of corporate records.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff, SEC, requests that this Court enter a Declaratory Judgment and Injunction providing the following relief:

1. A Judgment that the Defendant members have no authority to enact changes to the SEC By-Laws that are in conflict with state law;

2. A Judgment that the SEC is a private entity and is not subject to the New Mexico Open Meetings Act;

3. A Judgment that the SEC is a private entity and is not subject to the New Mexico Inspection of Public Records Act;

4. A Judgment that the By-Law amendments requiring the SEC to abide by the New Mexico Open Meetings Act is null and void as a matter of law;

5. A Judgment that the By-Law amendments requiring the SEC to abide by the New Mexico Inspection of Public Records Act is null and void as a matter of law;

6. A Judgment that the By-law amendment requiring the SEC to guarantee transparency and open records is null and void as a matter of law;

7. A Judgment that the Defendants have no authority to force the SEC to abide by the provisions of the New Mexico Open Meetings Act and the New Mexico Inspection of Public Records Act;

8. An injunction enjoining the Defendants from enforcing changes to the By-Laws requiring the SEC to abide by the provisions of the New Mexico Open Meetings Act and the New Mexico Inspection of Public Records Act;

9. An injunction enjoining the Defendants from invoking the provisions of the New Mexico Open Meetings Act and the New Mexico Inspection of Public Records Act during meetings of the SEC Board of Trustees;

10. An injunction enjoining the Defendants from requiring the SEC Board to guarantee transparency and open records;

11. An injunction enjoining the Defendants from requiring the Board to permit members and the press to participate in and be present during regular and special Board meetings;

12. An order awarding the SEC's costs and reasonable attorneys' fees in bringing this action; and

13. Any other relief the Court deems just and proper in this action.

Respectfully submitted,



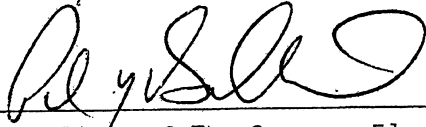
Dennis R. Francish
Attorney at Law
5400 Lomas NE
Albuquerque, NM 87110
505-265-6765
Attorney for Plaintiff

VERIFICATION

STATE OF NEW MEXICO)
)
COUNTY OF SOCORRO)

Paul Bustamonte President of The Socorro Electric Cooperative, Inc.
Plaintiff hereinstates:

Paul Bustamonte _____, being first duly sworn upon oath, depose and state that ~~I am a Plaintiff in this case and~~ that I read the above and foregoing COMPLAINT. I know the contents thereof, and the same is true and correct to the best of my knowledge and belief.



President of The Socorro Electric Cooperative, Inc., on behalf of said Corporation.

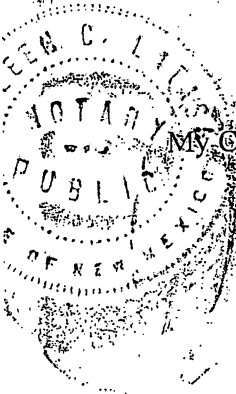
SUBSCRIBED AND SWORN to before me this 23rd day of June, 2010, by

June, 2010



NOTARY PUBLIC

My Commission Expires: 11/21/10



STATE OF NEW MEXICO
THIRTEENTH JUDICIAL DISTRICT
COUNTY OF VALENCIA

THE SOCORRO ELECTRIC COOPERATIVE, INC.
Plaintiff,

v.

CHARLENE WEST, et al
Defendants.

And

CHARLES WAGNER, individually,
And as representative of the class of "unnamed
Defendants", being owner/members of the
Socorro Electric Cooperative, Inc.

Cross Claim Plaintiff,

v.

Case No: D-1314-CV-2010-849
Judge: Davis

SOCORRO ELECTRIC COOPERATIVE, INC.;
PAUL BUSTAMANTE, individually and in his
capacities as President and Trustee of SEC;
DAVE WADE, individually and in his capacities
as Vice-President and Trustee of SEC;
LUIS AGUILAR, individually and in his capacities
as Secretary and Trustee of SEC;
MILTON ULIBARRI, individually and in his
capacities as Treasurer and Trustee of the SEC;
LEROY ANAYA, individually and in his capacity
as Trustee of SEC; JACK BRUTON, individually
and in his capacity as Trustee of SEC;
LEO CORDOVA, individually and in his capacity
as Trustee of SEC; PRESCILLA MAULDIN,
individually and in her capacity as Trustee of the SEC;
MANUEL MARQUEZ, individually and in his capacity
as former Trustee of SEC; DONALD WOLBERG, individually
and in his capacity as Trustee of SEC; JUAN GONZALES,

individually and in his capacity as a former Trustee of SEC; HAROLD BACA, individually and in his capacity as a former Trustee of SEC; HERMAN ROMERO, individually and in his capacity as a former Trustee of SEC; and LEOPOLDO PINEDA, JR., individually and in his capacity as General Manager of SEC;

Cross Claim Defendants,

CROSS CLAIM, and REQUEST FOR CLASS ACTION CERTIFICATION

COMES NOW THE DEFENDANT, CHARLES WAGNER, by and through the undersigned attorneys, individually, and as representative of all others similarly situated, all of whom are also un-named defendants, as they, too, are owners/members of the SEC, for their cross claim against SOCORRO ELECTRIC COOPERATIVE, INC. ("SEC"), a New Mexico nonprofit corporation organized as an electric cooperative corporation, and the other cross claim defendants identified above, state:

A. GENERAL ALLEGATIONS

1. CHARLES WAGNER, Defendant and Cross Claim Plaintiff is a resident of Socorro County, New Mexico and brings this action on his own behalf, as a member/owner, as one of the unnamed defendants herein, and as a representative of the Class hereinafter described.

2. As described more particularly below, the Cross Claim Plaintiffs are "members" of the SEC. Cross Claim Plaintiffs purchase electricity from the SEC for use

at their homes and/or businesses in SEC's service area.

3. Each of the individual Cross Claim Defendants is a current or past trustee, officer, director, or manager of the SEC.

B. CLASS ACTION CERTIFICATION REQUEST

4. This action is brought by the Cross Claim Plaintiff as a class action on behalf of himself and on behalf of others similarly situated (the "Class"), under N.M. R. Civ. P. 1-023.

5. The exact number of the members of the Class is not known, but the SEC represents that there are approximately 9,800 member/customers in five counties in Central New Mexico.

6. There are common questions of law and fact that relate to or affect the rights and interests of each member of the Class in connection with his, her or its respective claims against the Cross Claim Defendants. By way of example, these include, but are not limited to:

a. breach of their fiduciary duties owed to the Class in their operation, administration and management of the SEC;

b. maintaining a system of grossly unequal election districts contrary to the bylaws;

c. imposing and maintaining restrictions on voting;

d. breach of their fiduciary duties in the accounting for and the management,

investment, and disposition of "Patronage Capital" and/or "Patron's Capital" as hereinafter defined;

e. breach of their fiduciary duties by excessively compensating the officers and/or directors of the SEC;

f. breach of their contractual obligations to the Class, as set out in the Articles of Incorporation of the SEC ("SEC Articles") and Bylaws of the SEC ("SEC Bylaws");

g. breach of their respective fiduciary duties, contractual obligations, or other violations of the Rural Electric Cooperative Act, NMSA 1978, §§ 65-15-1, *et seq.* ("RECA");

h. breach of their fiduciary duties, contractual obligations, and the requirements of the RECA, Articles and/or Bylaws in maintaining and reporting financial information, accounting records and financial reports of the SEC;

i. breach of their fiduciary duties, contractual obligations, and the requirements of the RECA, Articles and/or Bylaws in voting on charitable contributions when a trustee may have a direct or indirect interest; by creating a no-proxy rule in combination with manipulative quorum calls; by engaging in wasteful spending; by engaging in self-dealing and abuse of the per diem and travel expense reimbursement system; by failing to insure accountability and transparency for the Board's activity.

7. Furthermore, the relief sought by these causes of action is common to the entire Class.

8. The claims of the Cross Claim Plaintiff, representative of the Cross Claim Plaintiff Class, are typical of the claims of the Class, in that the claims of all members of the Class, including Cross Claim Plaintiff depend on the showing of the acts or omissions of the Cross Claim Defendants giving rise to the right of the Class to the relief sought herein. There is no conflict as between the Cross Claim Plaintiff and other members of the Class with respect to this action, or with respect to the claims for relief set forth herein.

9. CHARLES WAGNER ("Cross Claim Plaintiff") is the representative party for the Cross Claim Plaintiff's Class and is able to fairly and adequately protect the interests of the Class. No conflict exists between Cross Claim Plaintiff and the Class.

10. The attorneys for the Cross Claim Plaintiff are experienced and capable in the type of litigation involved here.

11. This action is properly maintained as a class action because;

(A) the prosecution of separate actions by individual members of the Class would create the risk of (i) inconsistent or varying adjudications with respect to individual members of the Class which would establish incompatible standards of conduct for the Cross Claim Defendants, or (ii) adjudications with respect to individual members of the Class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests; and

(B) questions of law and fact common to the members of the Class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of this controversy.

12. The Cross Claim Defendants have acted or refused to act on grounds generally applicable to the Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

13. This action is brought as a “hybrid” class action seeking the court to bifurcate the proceedings, certifying a class for equitable relief and a class for damages. *See Jefferson v. Ingersoll International, Inc.*, 195 F. 3d 894, 898-9 (7th Cir. 1999); *Barnes v. District of Columbia*, 242 F.R.D. 113, 123-4 (D.D.C. 2007).

14. All of the claims alleged by the Cross Claim Plaintiff on behalf of himself and the Class were caused by the action or omission of the Cross Claim Defendants.

15. This class action is superior to other available, alternative methods, if any, for the fair and efficient adjudication of these causes of action.

16. The Cross Claim Plaintiff brings this action on behalf of himself and on behalf of all others similarly situated. The Class is defined as:

All persons who are current “members” of the SEC, as “member” is defined in RECA, on the date judgment is entered, and excluding from this class the undersigned Cross Claim Plaintiff’s counsel, members of their immediate families and lawyers and staff at their law firms; Cross Claim Defendants and members of their immediate families and lawyers and staff at their law firms; and federal, state and local governmental entities and political subdivisions.

C. BACKGROUND AND FACTUAL ALLEGATIONS

1. SOCORRO ELECTRIC COOPERATIVE, INC. (SEC)

17. The SEC is a New Mexico nonprofit corporation, organized as an electric cooperative corporation and owned by its members. As a member-owned nonprofit electric cooperative, the SEC receives benefits from the government that for-profit electric utilities do not receive, including an exemption from federal income taxes pursuant to Section 501(c)(12) of the Internal Revenue Code of 1986 ("IRC"). In return, the SEC and its Board of Trustees owe duties to the SEC's members that for-profit electric utilities do not owe their customers. SEC is a nonprofit corporation and all revenues over the cost of doing business for a year are assigned as capital and returned to its members when feasible.

18. This class action lawsuit is not intended to harm the SEC or its service to its members, and neither is it aimed at the rank-and-file dedicated employees. Instead, this lawsuit seeks to place responsibility on the trustees and officers for a variety of wrongful practices, to recover on behalf of the member/owners for the damages caused by these wrongful practices, and to reform the organization so that it operates democratically, transparently, and in the best interest of its members.

2. MEMBERSHIP

19. Qualifications for membership are iterated in RECA 62-15-8

20. The RECA qualifications for membership are adopted by and reiterated in

the SEC's Bylaws in Article I, section 1, entitled "Requirements for Membership." A true and correct copy of the SEC Bylaws is attached hereto as Exhibit "A". A member is one who agrees "to purchase from the Cooperative electric energy as herein specified." Art. I, § 1(b). And a member agrees to "comply with and be bound by the Articles of Incorporation and By-Laws of the Cooperative and any rules and regulations adopted by the Board of Trustees..." Art. I, § 1(c).

21. The SEC Bylaws form a contract between the SEC and its members. By its terms members agree to pay rates that the SEC Board of Trustees fixes from time to time. The SEC and its members also agree that amounts paid for SEC electric service in excess of the cost of the service is furnished to SEC as capital. SEC Bylaws, Art. I, § 4. ("It is expressly understood that amounts paid for electric energy in excess of the cost of service are furnished by the members as capital and each member shall be credited with the capital so furnished as provided by these Bylaws.").

3. SEC ARTICLES & BYLAWS

22. The SEC was formed, pursuant to RECA, by filing Articles of Incorporation with the New Mexico State Corporation Commission in March of 1945.

23. The SEC is bound by the RECA to operate in accordance with its provisions. Neither the SEC Articles nor the SEC Bylaws may be inconsistent with RECA; if there are inconsistencies, RECA's provisions are controlling and any conflicting provision of the SEC Bylaws and/or SEC Articles is void. RECA §62-15-7. Similarly, if there are

inconsistencies between the SEC Articles and SEC Bylaws, the SEC Articles' provisions are binding, and any conflicting SEC Bylaws are void. RECA §62-15-6.

24. The SEC Bylaws provide for the regulation and management of the affairs of SEC, as required by the RECA, § 62-15-7.

4. FRAUDULENT CONCEALMENT

25. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

26. As used herein the "Relevant Time Period" means that period of time that any Cross Claim Defendant breached a fiduciary duty and/or a contractual obligation to any member of the SEC.

27. Any relevant statute of limitations and/or doctrine of laches, waiver or estoppel are, and have been, deferred until the filing of this cross claim because the Cross Claim Defendants have, and continue to, deceitfully conceal their wrongdoing and fraudulently conceal their unlawful conduct in order to avoid liability for it. On several occasions, the General Manager has refused to release requested documents to a Trustee and to members.

COUNT ONE - EXCESSIVE COMPENSATION - GENERAL ALLEGATIONS

28. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

29. The SEC Bylaws set forth the number and general powers of the Board of

Directors:

The business and affairs of the Cooperative shall be managed by a board of eleven trustees which shall exercise all of the powers of the Cooperative except such as are by law, the Article of Incorporation or these By-Laws conferred upon or reserved to the members. - SEC Bylaws, Art. V, § 1.

30. The Bylaws also provide that:

Trustees shall not receive any salary for their services as such, except that members of the cooperative may, by resolution, or by amendment to these By-Laws authorize a fixed sum for each day or portion thereof spent on Cooperative business, such as attendance at meetings, conferences, and training programs or performing committee assignments when authorized by the Board. If authorized by the Board, trustees may also be reimbursed for expenses actually and necessarily incurred in carrying out such Cooperative business or granted a reasonable per diem allowance by the Board in lieu of detailed accounting for some of these expenses. No trustee shall receive compensation for serving the Cooperative in any other capacity, nor shall any close relative of a trustee receive compensation for serving the Cooperative, unless the payments and amount of compensation shall be specifically authorized by a vote of the members or the service by the trustee or his/her close relative shall have been certified by the Board as an emergency measure. - SEC Bylaws, Art. V, § 7.

31. The SEC Board of Trustees appoints the President to “perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Trustees from time to time.” Bylaws, Art. VII, § 4(c).

32. The President of SEC is Paul Bustamante. According to the Bylaws, the “President shall . . . be the principal executive officer of the Cooperative and, unless otherwise determined by the members of the Board of Trustees, shall preside at all

meetings of the members and of the Board of Trustees.” Bylaws, Art. VII, § 4(a).

33. According to recent Form 990s filed by the SEC, Bustamante received compensation of \$25,907 in 2008. 2008 IRS Form 990s, Part VII-A. The average hours per week devoted to the position was reported by SEC as 7.70. *Id.* The IRC requires that nonprofit corporations such as the SEC report the compensation of and average hours per week devoted to the position by each of its trustees, officers and key employees on its Form 990, Return of Organization Exempt from Income Tax, the IRC’s required annual information return for nonprofit corporations (“Form 990”).

34. The Vice-President of the SEC was Leo Cordova until his retirement in 2009. In 2008, the SEC paid Cordova \$10,628 in compensation for a reported average of 6.90 hours devoted to the position per week. SEC 2008 IRS Form 990, Part VII-A.

35. The Secretary of the SEC was Leroy Anaya until January 2010. In 2008, the SEC paid Anaya \$27,985 in compensation. 2008 IRS Form 990s, Part VII-A. The SEC reported that Anaya devoted 5.50 hours per week to the position. *Id.*

36. The Treasurer of the SEC is Milton Ulibarri. In 2008, the SEC paid Ulibarri \$29,343 in compensation. 2008 IRS Form 990s, Part VII-A. The SEC reported that Ulibarri devoted 8.90 hours per week to the position. *Id.*

37. In 2008, the remaining Trustees were paid compensation as follows: Bruton \$16,114, 2.30 hours per week; Marquez \$32,400, 5.80 hours per week; Wade \$21,608, 20.90 hours per week.

38. On information and belief, compensation received by the aforementioned cross claim defendants and compensation received by other cross-claim defendants, including former trustees and officers, are many multiples of the compensation paid other similar persons working in similar positions for similar organizations, and therefore are not reasonable as required by the IRC and are excessive. Not only were these amounts unreasonable, excessive and paid in violation of the IRC's requirements and the SEC Bylaws, but they constituted a waste of the SEC's assets, and self-dealing transactions by the SEC's Trustees.

39. On information and belief, the SEC underreports compensation, per diem, and travel expense paid to its trustees and officers and reimburses them for expenses that were never incurred or were substantially less than the reimbursed amount having adopted a policy which does not require vouchers, receipts or other documentation of such alleged expenses.

COUNT TWO – EXCESSIVE COMPENSATION -BREACH OF FIDUCIARY DUTY

40. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

41. The above and foregoing described conduct concerning the payment and non-disclosure of excessive compensation constitutes breach of fiduciary duties owed by the Cross Claim Defendants to the Cross Claim Plaintiff and to the Class.

42. The Cross Claim Defendants owe a fiduciary duty to the Cross Claim

Plaintiff and to the Class as evidenced by: (a) the Bylaws and Articles as a matter of contract; (b) the RECA; and (c) the common law of this state.

43. The SEC and the Cross Claim Defendants who are and who were trustees or officers of the SEC owe, and owed, to the Cross Claim Plaintiff and to the Class the following fiduciary duties: (a) of loyalty and utmost good faith; (b) of candor; (c) to refrain from self-dealing; (d) to act with integrity of the strictest kind; (e) of fair, honest dealing; and (f) of full disclosure.

44. The Cross Claim Defendants have an immutable duty to make sure that the SEC complies with all applicable laws, including the IRC, which, *inter alia*, requires that the SEC pay no more than reasonable compensation to its officers and directors and to report the compensation paid to "Key Employees".

45. Cross Claim Defendants' conduct in failing to report or reporting inaccurate information to the IRS constitutes a breach of their fiduciary duty to the Cross Claim Plaintiff and to the Class.

46. The Cross Claim Defendants' conduct in the payment of excess compensation, per diem, and travel expense reimbursement as described above constitutes violations of the RECA described *supra*, and as proved at trial, each constitute a breach of fiduciary duty or duties owed by the Cross Claim Defendants to Cross Claim Plaintiff and to the Class.

47. The Cross Claim Defendants' flagrant breaches of fiduciary duties have gone

on uninterrupted for decades. Such longstanding behavior has been fraudulently concealed from Cross Claim Plaintiff and from the Class.

48. The Cross Claim Plaintiff and the Class have suffered injury as a result of the Cross Claim Defendants' breaches of fiduciary duties and seek the remedies set forth below.

COUNT THREE –EXCESSIVE COMPENSATION - BREACH OF CONTRACT

49. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

50. In addition, the above and foregoing described conduct concerning the payment and non-disclosure of excessive compensation, per diem, and travel expense reimbursement constitutes breach of contractual duties owed by the SEC and by the Cross Claim Defendants to the Cross Claim Plaintiff and to the Class.

51. The SEC Bylaws, by their explicit terms, constitute a valid, enforceable contract. The SEC Articles also, according to the common law of this state, constitute a contract between the SEC (and the Cross Claim Defendants) and its members, i.e. Cross Claim Plaintiff and the Class.

52. The Cross Claim Plaintiff and the Class, as members of the SEC, are parties to the contract evidenced by the SEC Bylaws and SEC Articles and thus have standing to sue for its breach.

53. The Cross Claim Plaintiff and the Class have performed and continue to

perform their contractual obligations under the SEC Bylaws and SEC Articles.

54. The conduct of the individual Cross Claim Defendants in the payment of excess compensation, per diem, and travel expense reimbursement constitutes a breach of the contractual obligations under the SEC Bylaws and SEC Articles, in particular Art. V, § 7 of the Bylaws.

55. The breaches of the SEC Bylaws and SEC Articles have been uninterrupted and longstanding, continuing for decades; and have been intentionally and fraudulently concealed from Cross Claim Plaintiff and the Class.

56. The Cross Claim Plaintiff and the Class have suffered injury as a result of the Cross Claim Defendants' breaches and seek the remedies set forth below.

57. All conditions precedent required by Cross Claim Plaintiffs have been met.

COUNT FOUR – EXCESSIVE COMPENSATION - NEGLIGENCE

58. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

59. In addition, the above and foregoing described conduct concerning the payment of and non-disclosure of such payment of excessive compensation, per diem, and reimbursement of travel expense constitute negligence that was a proximate cause of damages to the Cross Claim Plaintiff and to the Class and which was fraudulently concealed from them.

60. The Cross Claim Defendants owe a duty to exercise reasonable and ordinary

care in serving the SEC's members, including Cross Claim Plaintiff and the Class.

61. In their acts and omissions described above, the Cross Claim Defendants, at a minimum violated their duty of care and were negligent.

62. The Cross Claim Plaintiffs and the Class have suffered injury as a result of the Cross Claim Defendants' breaches of duties of care. As compensation, therefore, Cross Claim Plaintiffs seek the remedies set forth below.

COUNT FIVE - WASTEFUL SPENDING – BREACH OF FIDUCIARY DUTY

63. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

64. The SEC Bylaws provide that any amount paid by members above the cost of their service is patronage capital and must be allocated according to the SEC Articles, SEC Bylaws and RECA. But the Board of Trustees, by and through the Cross Claim Defendants, has spent without authority untold sums of money. These unlawful expenses include among other things, receiving advances for mileage even though the Trustee(s) did not drive, excessive hotel room charges, excessive money spent on dinners, and excessive money spent on training schools and traveling.

65. The above and foregoing conduct relating to the wasting of Cross Claim Plaintiffs' capital and the failure and refusal to disclose it to Cross Claim Plaintiff and the Class constitutes a further breach of the fiduciary duty owed by Cross Claim Defendants to Cross Claim Plaintiffs. Such conduct involved self dealing, dishonesty,

disloyalty and fraudulent concealment and was committed intentionally. Cross Claim Plaintiffs have been injured by such breach of fiduciary duty and seek the remedies set forth below.

COUNT SIX - WASTEFUL SPENDING - BREACH OF CONTRACT

66. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

67. The above and foregoing conduct relating to the wasting of Cross Claim Plaintiffs' capital and the failure and refusal to disclose it to the Cross Claim Plaintiff and to the Class constitute a breach of the contractual duties and obligations created by the SEC Bylaws and SEC Articles and owed by the SEC and Cross Claim Defendants to Cross Claim Plaintiff and the Class.

68. These breaches of contractual duties were fraudulently concealed from and have caused injury to the Cross Claim Plaintiff and the Class for which they seek the remedies set forth below.

COUNT SEVEN- WASTEFUL SPENDING - NEGLIGENCE

69. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

70. The above and foregoing conduct relating to the wasting of Cross Claim Plaintiff's and the Class' capital and the failure and refusal to disclose it to the Cross Claim Plaintiff and the Class constitute a breach of the duty owed to them by the SEC

and the current and former trustees and officers of the SEC, i.e. the Cross Claim Defendants, to exercise reasonable and ordinary care in serving the members of SEC, i.e. the Class. These acts were fraudulently concealed from the Cross Claim Plaintiff and the Class and were the result of negligence and proximately caused injury to the Cross Claim Plaintiff and the Class for which they seek the remedies set forth below.

71. The individual Cross Claim Defendants are not required to turn in itemized travel expenditures, such as gas bills, hotel bills, entertainment bills, etc..., making it impossible for the Class to discover the true financial activities of the individual Cross Claim Defendants thereby requiring an independent accounting to determine the true extent of improper compensation.

COUNT EIGHT - "PATRON'S CAPITAL" - GENERAL ALLEGATIONS

72. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

73. The terms "patronage capital" and/or "Patron's Capital" as used by the SEC represents SEC's accumulated retained excess of revenues over expenses that have been allocated annually to its members based upon a member's total annual purchases of electricity to total annual SEC sales of electricity, in accordance with SEC's Bylaws.

74. It is expressly understood that amounts paid for electric and other services, in excess of the cost of these services, are furnished by members as capital, and each member shall be credited with the capital so furnished as provided in the SEC Bylaws.

Patronage Capital belongs to the SEC members (i.e. the Class), not the SEC. By virtue of the contractual relationship created by the Bylaws, the SEC holds the Patronage Capital in trust for the benefit of the members, i.e. the Class. Under this arrangement, the SEC, its trustees and officers of the SEC are the trustees of that patronage capital-trust.

75. "The books and records of the Cooperative shall be set up and kept in such a manner that at the end of each fiscal year the amount of capital, if any, so furnished by each patron is clearly reflected and credited in an appropriate record to the capital account of each patron ("Patron Capital Account"), and the Cooperative shall within reasonable time after the close of the fiscal year notify each patron of the amount of capital so credited to his account." Bylaws, Art. VIII, § 2.

76. In 2008, SEC reported \$14,611,891 in Patronage Capital. SEC Notes to the Financial Statements March 31, 2009 and 2008, at 3. In 2009, SEC reported \$16,789,295 in Patronage Capital. *Id.*

77. In 2008, SEC has not reported, published or given notice of individual patron's capital account to which each patron or member as required by and in open violation of the SEC Bylaws.

78. SEC does not have a patronage capital retirement plan and carries on its books enormous amounts of "Patron's Capital", also known as "patronage capital", in violation of RECA § 62-15-20, which acts, omissions and failures are directly and proximately attributed to the Cross Claim Defendants.

COUNT NINE– PATRON’S CAPITAL- BREACH OF FIDUCIARY DUTY

79. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

80. The above and foregoing conduct relating to the manner in which Cross Claim Defendants treated Cross Claim Plaintiff’s and the Class’ patronage capital constitutes a breach of the fiduciary duties owed by Cross Claim Defendants to Cross Claim Plaintiff and the Class. Cross Claim Plaintiffs have been injured by such breach of fiduciary duty and seek the remedies set forth below.

COUNT TEN– PATRON’S CAPITAL - BREACH OF CONTRACT

81. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

82. The above and foregoing conduct relating to the manner in which Cross Claim Defendants treated Cross Claim Plaintiff’s and the Class’ patronage capital constitutes a breach of the contractual duties and obligations created by the SEC By-Laws and SEC Articles owed by the SEC and Cross Claim Defendants to Cross Claim Plaintiff and to the Class.

83. These breaches of contractual duties were fraudulently concealed from and have caused Cross Claim Plaintiffs and the Class damages, for which they seek the remedies set forth below.

COUNT ELEVEN- PATRON'S CAPITAL - NEGLIGENCE

84. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

85. The above and foregoing conduct relating to Cross Claim Defendants' treatment of and fraudulent concealment relating to the Cross Claim Plaintiff's and the Class' patronage capital constitutes negligence and proximately caused injury to the Cross Claim Plaintiff and the Class for which they seek the remedies set forth below

COUNT TWELVE - DENIAL OF VOTING RIGHTS - GENERAL ALLEGATIONS

86. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

87. The SEC By-Laws lay out the quorum requirements but do not require a quorum present to conduct a meeting. Art. III, § 6. In addition, the By-Laws do not allow for proxy voting. Art. III, § 8. The Cross Claim Defendants have manipulated these rules to create a system of scheming quorum calls and an ineffective means of having proposals heard, denying to Cross Claim Plaintiff and the Class any semblance of democratic participation in the affairs of the SEC.

COUNT THIRTEEN- VOTING RIGHTS - BREACH OF FIDUCIARY DUTY

88. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

89. The above and foregoing conduct relating to the voting constitutes a breach

of the fiduciary duties owed by Cross Claim Defendants to Cross Claim Plaintiff and to the Class. Cross Claim Plaintiffs have been injured by such breach of fiduciary duty and seek the remedies set forth below.

COUNT FOURTEEN– VOTING RIGHTS - BREACH OF CONTRACT

90. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

91. The above and foregoing conduct by the Cross Claim Defendants relating to the voting constitutes a breach of the contractual duties and obligations created by the SEC By-Laws and SEC Articles owed by the SEC to Cross Claim Plaintiff and to the Class.

92. These breaches of contractual duties were fraudulently concealed from and have caused injury to Cross Claim Plaintiff and to the Class, by the Cross Claim Defendants, for which they seek the remedies set forth below.

COUNT FIFTEEN – VOTING RIGHTS - NEGLIGENCE

93. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

94. The above and foregoing conduct relating to Cross Claim Defendants' treatment of and fraudulent concealment relating to voting constitutes negligence and proximately caused injury to Cross Claim Plaintiff and to the Class for which they seek the remedies set forth below.

COUNT SIXTEEN - REMEDIES SOUGHT

95. All allegations contained in the preceding paragraphs are re-pled hereat as if fully set forth.

a. DECLARATORY RELIEF

96. An actual controversy exists between the parties, and pursuant to Rule 1-057 NMRA 2007 and the Declaratory Judgment Act NMSA 1978 § 44-6-1 *et seq.*, Cross Claim Plaintiffs and the Class are entitled to a judgment declaring and establishing the respective rights and obligations of the parties with respect to the claims set forth.

97. In as much as the Cross Claim Plaintiff brings this action on behalf of himself and on behalf of the Class, *inter alia*, for the purposes of determining their rights, duties, obligations and interests in the SEC Bylaws, SEC Articles, and the RECA, which are adverse to and in conflict with those asserted by on on behalf of the Cross Claim Defendants, there presently exists a live, actual, real and ripe dispute among the parties. As a matter of law, therefore, a justiciable controversy exists and invokes this Court's subject matter jurisdiction.

98. A live, actual, real and ripe dispute exists between the Cross Claim Plaintiffs and the Cross Claim Defendants regarding the Cross Claim Defendants' interpretation, application and operation of certain terms and provisions of the SEC Bylaws, SEC Articles and the RECA, and/or regarding certain conflicts between and among the terms and provisions of the Bylaws, Articles and the RECA.

99. Accordingly, the Cross Claim Plaintiff and the Class seeks a judicial declaration that:

(a) The SEC Bylaws and SEC Articles constitute a binding and enforceable contract between the SEC and the SEC Board on the one hand and the SEC members on the other;

(b) The SEC Bylaws and SEC Articles are contemplated by and as a matter of law must not be inconsistent or in conflict with each other, or inconsistent or in conflict with or in violation of the RECA, or interpreted in such a way as to be inconsistent with, in conflict with or in violation of the RECA;

(c) To the extent any terms or provisions of the SEC Bylaws or SEC Articles or interpretations thereof are in conflict with or in violation of the RECA, such conflicting terms or provisions of the SEC Bylaws, SEC Articles and/or interpretations thereof are void and unenforceable, and the terms and provisions of RECA prevail and are binding and enforceable; and to the extent any provisions or terms of the SEC Bylaws and SEC Articles or interpretations thereof are in conflict with each other, the conflicting provisions or terms of the SEC Bylaws are void and unenforceable, and the provisions of the SEC Articles or interpretations thereof prevail and are binding and enforceable;

(d) Under the relevant provisions of the SEC Bylaws, a trust is created with respect to Patron's Capital, under which the Cross Claim Defendants are trustees for the benefit of the member patrons (Cross Claim Plaintiff and Class) and by which Cross

Claim Defendants are held to the highest standard of fiduciary duty owed to the Cross Claim Plaintiff and to the Class;

(f) The Cross Claim Plaintiff and the Class are entitled to an accounting of the "Patron's Capital" accounts; and

(g) The Cross Claim Plaintiff and the Class are entitled to an award of reasonable and necessary attorneys' fees to the undersigned attorneys for their prosecution of this declaratory judgment.


b. INJUNCTIVE RELIEF

100. Cross Claim Plaintiff and the Class request that the Court order that each individual Cross Claim Defendant be removed as an SEC trustee, officer, director or manager of the SEC and appoint new trustees, officers or managers in a manner the Court deems practicable in accordance with the spirit of the SEC Bylaws and RECA, including re-districting the trustee's election districts in a manner the Court deems practicable in accordance with the spirit of "one man, one vote" and thereafter to insure that democratically elected trustees and officers may take office and act in the best interest of the SEC's members.

c. ACCOUNTING AND DISGORGEMENT

101. Cross Claim Plaintiff and the Class request that the Court order the Defendants to provide an accounting of:


(a) All compensation and benefits paid to the Cross Claim Defendants and to



any other employees, officers, advisory trustees or directors, advisory trustees or directors-at-large, agents or representatives, during their respective terms in office, including but not limited to reimbursement for expenses, per diem, mileage, etc., that is, all monies or benefits actually paid to or received by said individuals, however denominated, from the funds otherwise belonging to or under the control of SEC;


(b) The "Patrons' Capital", or patronage capital, however denominated; and

(c) The financial status, profits, losses, revenues, expenses and liabilities of the SEC, or any other subsidiary for the past ten (10) years.



102. Cross Claim Plaintiff and the Class request that the Court order the disgorgement of all excessive compensation and benefits, including but not limited to expenses for which no legitimate expense receipts or vouchers are produced and of all monies spent on expenses which are deemed excessive or which are for any reason disallowed, and all amounts of "Patron's Capital" which otherwise should have been retired and repaid, and such other funds or benefits improperly expended as are revealed by the accounting; and that the same be held as and for the benefit of the Class, together with pre-judgment and post-judgment interest thereon as allowed by law.

d. CONSTRUCTIVE TRUST



103. The conduct of the individual Cross Claim Defendants in the breach of their fiduciary duty owed to Cross Claim Plaintiff and to the Class and described herein, creates a presumption of unfairness as a matter of law. As a result, the burden of

persuasion rests squarely on the individual Cross Claim Defendants to show that the transactions were fair and equitable to the beneficiary, i.e. that the compensation and other benefits received conferred a real and substantive value on the SEC of good and sufficient consideration.

104. Cross Claim Plaintiff and the Class request that the Court place a constructive trust on all monies, proceeds, funds or property obtained by the Cross Claim Defendants as a result of their breaches of fiduciary duty, including but not limited to all compensation or funds ordered to be disgorged, to protect the rights and interests of the Cross Claim Plaintiff and of the Class in them, and to return such monies, proceeds, funds or property to Cross Claim Plaintiff and the Class in a fair and equitable proportion and in any event in proportion to the individual class plaintiff's interest in the "Patron's Capital".

e. COMPENSATORY DAMAGES

105. Cross Claim Plaintiff and the Class seek actual compensatory damages for the injury caused by Cross Claim Defendants' breaches. Cross Claim Plaintiff and the Class seek the return of the compensation wrongfully paid and other wasteful and self-dealing expenditures; the return of excess revenues ; in an amount not less than the plaintiff's individual patron's capital; and monetary damages from the individual Cross Claim Defendants in an amount not less than their patron's capital; and monetary damages from the individual Cross Claim Defendants in an amount at least equal to the

total excessive compensation and benefits paid by SEC to the individual Cross Claim Defendants and such other compensatory damages as may be revealed by the accounting, together with such pre-judgment and post-judgment interest thereon as allowed by law.

f. EXEMPLARY or PUNITIVE DAMAGES

106. The Cross Claim Defendants' conduct, acts and omissions as alleged above, were done either with malice; or were done willfully, recklessly and in wanton disregard for the rights of the Class; or were done in a fraudulent manner; or were done in bad faith; and as a result of any one of these, Plaintiff and the Class are entitled to recover exemplary and/or punitive damages to punish this outrageous conduct and to deter similar conduct by others similarly situated in the future, together with such pre-judgment and post-judgment interest thereon as allowed by law.

g. ATTORNEY'S FEES

107. If, as and when the Cross Claim Plaintiffs' Class is certified as requested *infra*, Cross Claim Plaintiff and the Class request attorneys' fees and costs authorized by law or by agreement of the parties under the procedures set out in N.M. Dist. Ct. R.C.P. 1-023 (NMRA 2009).

PRAYER FOR RELIEF

WHEREFORE, Cross Claim Plaintiff on behalf of himself and the Cross Claim Plaintiffs' Class, respectfully request that the Court grant to them all relief sought in

Count Sixteen, a. through g., inclusive, including but not limited to, the following:

A. Certify the Cross Claim Plaintiffs' Class as described herein and that the Cross Claim Plaintiff is representative of the Cross Claim Plaintiffs' Class and appoint the undersigned attorneys as class counsel for the Class;

B. Enter judgment requiring an independent accounting of all transactions of the SEC for the past ten (10) years, including but not limited to: (a) Patron's Capital accounts and the use of such funds by the SEC; (b) compensation actually paid to trustees and officers during the past (10) years; (c) actual expenses reported by trustees and officers, such as per diem, mileage, travel, etc.; (d) any other funds or benefits paid to or on behalf of any trustee or officer during the past (10) years; and (e) all expenses claimed by the SEC for the past ten (10) years regardless of recipient;

C. Order disgorgement of all amounts misappropriated by the Defendants and impose a constructive trust on such amounts to be held solely for the member/owners of SEC, i.e. Cross Claim Plaintiff and the Class;

D. Enter judgment that all Cross Claim Defendants, jointly and severally, are liable for actual damages, including, but not limited to: (i) all excessive compensation and benefits and all improper expenditures paid by SEC during the relevant time period; (ii) the patronage capital which should have been distributed or retired to the Cross Claim Plaintiff and the Class during the relevant time period; and all other such damages as may be revealed by an accounting;

E. Enter judgment that all Defendants, jointly and severally, are liable for exemplary damages based on malice, willful, reckless or wanton behavior, fraudulent behavior or acts or omissions done in bad faith in an amount sufficient to punish Cross Claim Defendants and to deter similar conduct in the future;

F. Enter judgment declaring that all amounts so disgorged shall be held in a constructive trust for the benefit of the member/owners, i.e. Cross Claim Plaintiff and the Class pending distribution of the same in an equitable manner to be determined;

G. Enter judgment declaring that the SEC, by and through the acts and omissions of the Cross Claim Defendants, has breached its contractual obligations, covenants, agreements and duties set out in the SEC Bylaws and the SEC Articles;

H. Order removal of all Defendants who are trustees, officers or managers of SEC and to replace them in a manner determined by the Court which is consistent with the SEC Bylaws, SEC Articles, and RECA, including but not limited to retaining oversight to enjoin further violations and to enjoin any redistricting of trustee's electoral districts which would, in the Court's opinion, violate fundamental principles of democracy, including but not limited to "one man, one vote";

I. Enter judgment declaring the rights, duties, interests and status of the Cross Claim Plaintiff and Cross Claim Plaintiffs' Class under the SEC Bylaws and the RECA;

J. Award Cross Claim Plaintiffs and Cross Claim Plaintiffs' Class pre-judgment and post-judgment interest, as permitted by law, on all damages;

K. Award Cross Claim Plaintiff and Cross Claim Plaintiffs' Class their reasonable and necessary attorneys' fees, expenses and costs of court; and

L. Award Cross Claim Plaintiff and Cross Claim Plaintiffs' Class such further relief at law and equity to which they are entitled.

Respectfully submitted,

Ikard Wynne LLP

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GEORGE PATRICK SALOME, JR.
CITY CLERK

33

SEC legal fees from 2012 to present have been approximately \$383,000. The exhaustive use of attorneys in a system designed to be member-owned and controlled is a strong indicator of the inability of the Board and management to make sound decisions and follow the accepted standards of the industry as well as their own by-laws.

SEC LEGAL FEES 2012 - PRESENT

Wiggins, Wiggins and Williams

2012 - \$62,032.75

2013 - \$144,417.22

2014 - \$70,061.55 Jan-Jul

Total \$276,511.52

Dennis Francish Attorney

2012 - \$203.90

Total \$203.90

Kennedy & Han PC

\$53,534.11

Foster & Moss PC

2012 - \$10,304.57

2013 - \$1,301.12

Total \$11,605.69

Ira Bolnick "Investigation" – Hired by Wiggins Law Firm to Investigate Charlie Wagner

\$11,789.61

Cordova Public Relations – Hired by the Wiggins Law Firm

\$29,188.19

Total Legal Fee 2012-2014

\$382,833.02 *Source The Informed Cynic Webpage

Years 2006 through 2010

Trustee Total Cash Advances Made Without Receipts Required to Validate Business Cost
Incurred

Trustee	2006	2007	2008	2009	2010	Grand Total Cash
Aguilar, Louis	0	0	0	0	12,002	12,002
Anaya, Leroy	14,222	16,643	15,310	30,050	9,828	86,053
Baca, Harold	25,181	24,543	16,063	20,660	Voted out	86,447
Bruton, Jack	15,412	25,323	15,209	19,744	7,015	82,703
Bustamante, Paul	18,869	18,256	9,746	27,192	15,530	89,593
Cordova	26,473	26,586	4,806	23,164	18,388	99,417
Gonzales, Juan	19,249	25,982	16,784	31,988	Voted out	94,003
Mauldin, Prescilla	0	0	0	0	3,825	3,825
Marquis, Manny	20,611	34,305	24,078	36,163	6,507	121,664
Romero, Herman	8,270	12,472	7,950	8,407	Voted out	36,999
Ulibarri, Milton	21,171	26,045	17,272	27,396	13,754	105,638
Wade, Dave	9,735	11,638	4,904	6,710	4,545	37,532
Wagner, Charlie	27,000	30,829	16,299	28,542	15,758	118,428
Wolberg, Don	0	0	0	0	9,935	9,935
Total per Year	218,048	251,523	161,520	260,014	117,087	1,008,192

Note: This information taken from annual trustee expense summaries provided by Socorro Electric Cooperative, Inc. un-audited.



CITY OF SOCORRO




RAVI BHASKER
MAYOR

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GEORGE PATRICK SALOME, JR.
CITY CLERK

34

Attached is a list of employees who have either quit, retired or were fired from the SEC since 2011. High employee turnover (26 employees in three years) is an indicator that the employer is failing to provide a work environment for its employees that is stable and therefore failing to meet the mission of the SEC through the experience and knowledge of its trained employees.

- 
1. Richard Lopez
 2. Samantha Vivian
 3. Marcus Padilla
 4. Claudia Campbell
 5. Salena Baca
 6. Summer Aldridge
 7. Lorraine Baca
 8. Jason Baca
 9. Matt Landavazo
 10. Gilbert Anaya – Cleaning
 11. Jeremy Brunson
 12. Wesley ?
 13. Larry ?
 14. Randy West
 15. Curtis Barnhill
 16. Patrick (Catfish) Sais – Vehicles
 17. Melissa Amaro
 18. Mike Barela
 19. Abran Romero
 20. Frances Herron
 21. Valentine Silva
 22. Maria Rivera
 23. Tim ?
 24. Roberta (DeCosta) Baca
 25. Andy Romero
 26. Contractor Jerry Ray
- 
- 



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Enclosed is a 2012 incentive survey prepared by Touchstone Energy which indicates:

1. Low SEC ratings.
2. 113 comments from members.
3. Provides corrective measures which have yet to be met.

2012 ACSI Incentive Survey

Socorro Electric Cooperative

Prepared by:



TSE Services

Your Touchstone Energy® Partner

Sponsored by:



Touchstone Energy®
Cooperatives

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AT A GLANCE

What is this report?

- An analysis of current attitudes of cooperative members
- A critique of our performance as service providers
- An assessment of the cooperative's core operations performance
- A sounding board for members of electric cooperatives

What will I find inside?

- Member ratings on overall satisfaction
- American Customer Satisfaction Index score and discussion
- Cooperative ratings on a variety of service and image attributes
- Drivers of loyalty, engagement and member satisfaction

Who should read this report?

- Senior executives and board directors
- Communications, member services and marketing professionals
- Operations and engineering professionals
- Any key stakeholder dealing with cooperative members

How can my cooperative use this report?

- Refine marketing and communication strategies
- Establish strategic direction for implementing system improvements
- Prioritize opportunities to improve satisfaction and member engagement scores

EXECUTIVE SUMMARY

Member Satisfaction, Engagement and Key Driver Performance

- Touchstone Energy cooperatives continue to generate high levels of satisfaction among residential members as verified by the ***American Customer Satisfaction Index***.
- Socorro Electric Cooperative's ACSI satisfaction and retention scores fall significantly below all the major utility sector benchmarks provided in this report including aggregate scores for investor-owned utilities, municipal electric companies, non-Touchstone Energy Cooperatives, and Touchstone Energy Cooperatives nationally. Socorro Electric Cooperative also trails the Cooperative Difference benchmark group and the country's best investor-owned electric-only utility (Entergy) by a statistically significant margin.
- Member satisfaction is closely tied to concerns about core services such as providing reliable power, outage restoration and handling problems, followed closely by performance on cost containment and value.
- Achieving higher levels of member satisfaction is increasingly tied to economic factors including member perceptions related to cost and value issues.
- Educating members about rising energy costs and our efforts to mitigate them is a critical communication path. Actions and messages that reinforce the cooperative's goal to provide electricity at the lowest possible cost and demonstrate value are key priorities.
- While cooperatives achieve high levels of satisfaction overall, opinions differ among demographic segments. Younger members consistently provide lower satisfaction ratings than senior members.
- Significant opportunities exist to increase ***Member Engagement*** by communicating our 'cooperative difference' especially among our youngest consumers.



Touchstone Energy®
Cooperatives

2012 Member Satisfaction & ACSI Survey

INTRODUCTION

For nearly a decade, Touchstone Energy Cooperatives has partnered with the American Customer Satisfaction Index (ACSI) to help rural electric cooperatives gain a better understanding of member satisfaction. Hundreds of Touchstone Energy Cooperatives across the country have taken advantage of this satisfaction measurement service.

Although the program has been highly successful, a significant number of Touchstone Energy Cooperative members have yet to use the program. In 2012, Touchstone Energy Cooperatives offered a complimentary assessment of member satisfaction and an ACSI score for up to 25 cooperatives who had never received one.

Although brief in nature, the research effort helps participating cooperatives identify key drivers of satisfaction, loyalty and engagement and show where we fall short of member expectations. The research findings provide a quick overview of how Socorro Electric Cooperative is performing in several key areas known to influence member satisfaction. The findings presented in the following report serve as a high level assessment of Socorro Electric Cooperative's performance through the eyes of the membership. Touchstone Energy Cooperatives hope the report encourages program participants to consider a regular assessment of member satisfaction as part of their strategic planning initiatives.

2012 PROJECT OVERVIEW

The 2012 ACSI Incentive Survey sponsored by Touchstone Energy Cooperatives highlights feedback from residential members, which comprise over 90% of the cooperative membership nationally. This report provides valuable insight into tactics cooperatives can use to increase member engagement and overall satisfaction with these members.

This report can be seen as a road map for building effective communications about the cooperative value proposition and overall performance of the cooperative in several core operating competencies.

The key concepts explored in this year's study include:

- **American Customer Satisfaction Index (ACSI)**
- Key drivers analysis of ACSI scores and **Member Engagement**
- How members perceive cooperative efforts at:
 - Containing costs
 - Providing electricity at the lowest possible cost
 - Looking out for member's best interests
- Differences in attitudes between member segments
- Impacts of age, gender and length of membership on satisfaction

METHODOLOGY

The 2012 ACSI Incentive Survey sponsored by Touchstone Energy Cooperatives was fielded between July and August 2012. The study included 19 cooperatives representing 14 states who had never previously received an American Customer Satisfaction Index score.

Each of these cooperatives fielded nearly identical surveys and contributed their data to the national report. This effort resulted in nearly 5,000 total interviews.

Adding to the geographic diversity, cooperative participants ranged from small, rural cooperatives with only a few thousand members to some serving tens of thousands of members. The average membership size of participating cooperatives is 15,000. A list of participating cooperatives is provided below:

- 4-County Electric Power Assn.
- Arrowhead Electric Cooperative, Inc.
- Bayfield Electric Cooperative, Inc.
- Beltrami Electric Cooperative, Inc.
- Clarke Electric Cooperative, Inc.
- Continental Divide Electric Co-op, Inc.
- Cooke County Electric Co-op Assn.
- Cordova Electric Cooperative, Inc.
- Farmers Electric Cooperative
- Fergus Electric Cooperative, Inc.
- Navopache Electric Cooperative
- Newberry Electric Cooperative
- Northeast Nebraska PRD
- Pearl River Valley EPA
- Sangre De Cristo Electric Assoc.
- Socorro Electric Co-op, Inc.
- South Central Arkansas EC
- Wheatland REA
- Wyrulec Company
- Y-W Electric Association, Inc.

Interviews were conducted by telephone from a demographically diverse sample of each cooperative's membership. Participating cooperatives were identified as the sponsor of the research and samples were drawn directly from their member rolls.

For comparison purposes, the report includes findings from the 2011 National Survey on the Cooperative Difference conducted during the 4th Quarter 2011 and 1st Quarter 2012. The study included over 13,000 interviews among nearly 60 cooperatives throughout the country.

The sampling error associated with the national sample is +/- 1% at the 95% confidence level. Sampling error for the Socorro Electric Cooperative sample is +/- 6% at the 95% confidence level. Stated another way, if we were to field 100 random samples of equivalent size, 95 of those samples would return results that are within +/- 6% of those presented here.

OVERALL SATISFACTION

Electric cooperatives continue to lead the electric utility industry with high levels of member satisfaction and loyalty.

Cooperative members are very satisfied with the overall performance of their local electric provider, comparing favorably to all other utility service organizations monitored by the **American Customer Satisfaction Index (ACSI)**, a joint effort by the University of Michigan Business School and the international consulting firm, CFI Group.

Satisfaction scores and retention scores from the ACSI are shown below for the cooperative samples and for national benchmark groups for the 3rd Quarter 2012. Plus or minus errors reported by the ACSI are at the 90% confidence level.

ACSI Scores 3rd Quarter 2012 (90% Confidence Level)	ACSI Overall Satisfaction	ACSI Retention	Sample Size	Plus or Minus Error	Lower CI	Upper CI
2011 Co-op Difference Survey	81	79%	13,145	0.3	80.7	81.3
Touchstone Co-ops Nationally*	83	79%		2.6	80.4	85.6
Top Electric IOU*	82	75%		2.7	79.3	84.7
Non-Touchstone Energy Cooperatives*	82	n/a		4.7	77.3	86.7
Investor-Owned Utility Average*	76	74%		0.5	75.5	76.5
Energy Utility Sector Average*	77	74%		0.5	76.5	77.5
Municipal Electric*	76	71%		1.4	74.6	77.4
Socorro Electric Co-op	65	66%	252	3.2	61.8	68.2

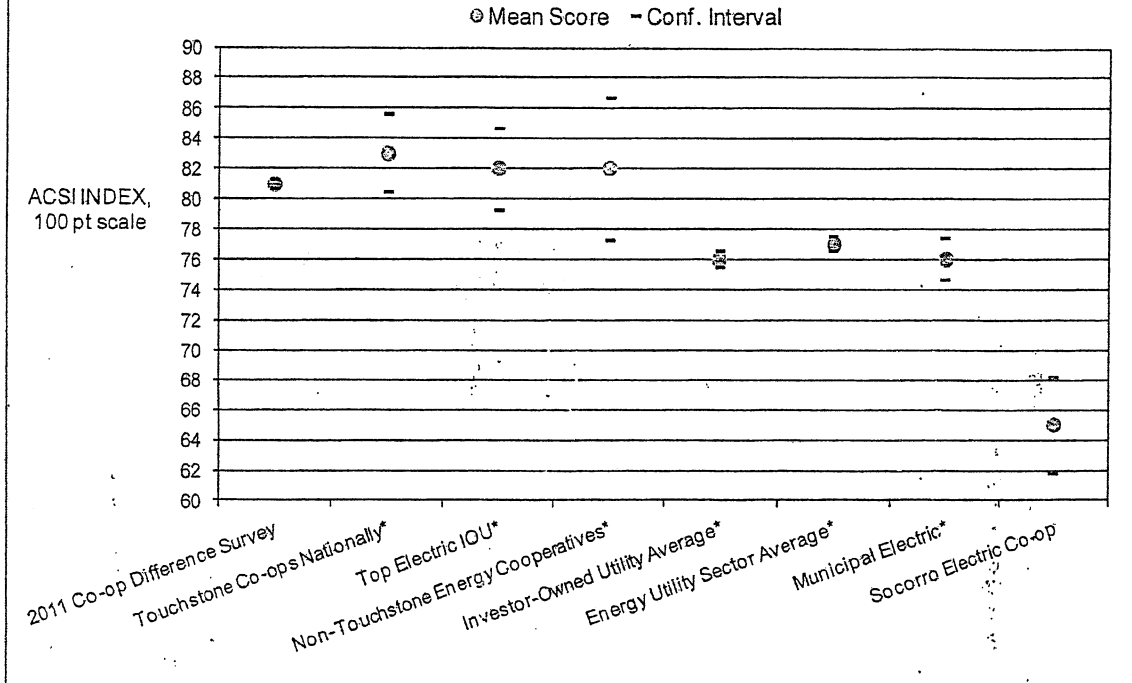
* Independent report by ACSI – 3rd Quarter 2012

Satisfaction scores for the Cooperative Difference survey participants compare favorably to Touchstone Energy Cooperatives nationally and the top-rated all-electric investor-owned electric utility (Entergy). The Cooperative Difference group outpaces non-Touchstone Cooperatives, the IOU industry average and municipal utility aggregate scores by a statistically significant margin.

Retention scores for cooperative benchmarks, which can be interpreted as the percent of members we would retain if they were given the opportunity to choose electric suppliers, also compare favorably to all electric utility peer groups.

Socorro Electric Cooperative's ACSI satisfaction and retention scores fall significantly below the utility sector benchmarks provided in this study. Socorro Electric Cooperative also trails the Cooperative Difference benchmark group and the country's best investor-owned electric utility (Entergy) by a statistically significant margin.

2012 Member Satisfaction and ACSI Survey American Customer Satisfaction Index 3rd Quarter 2012

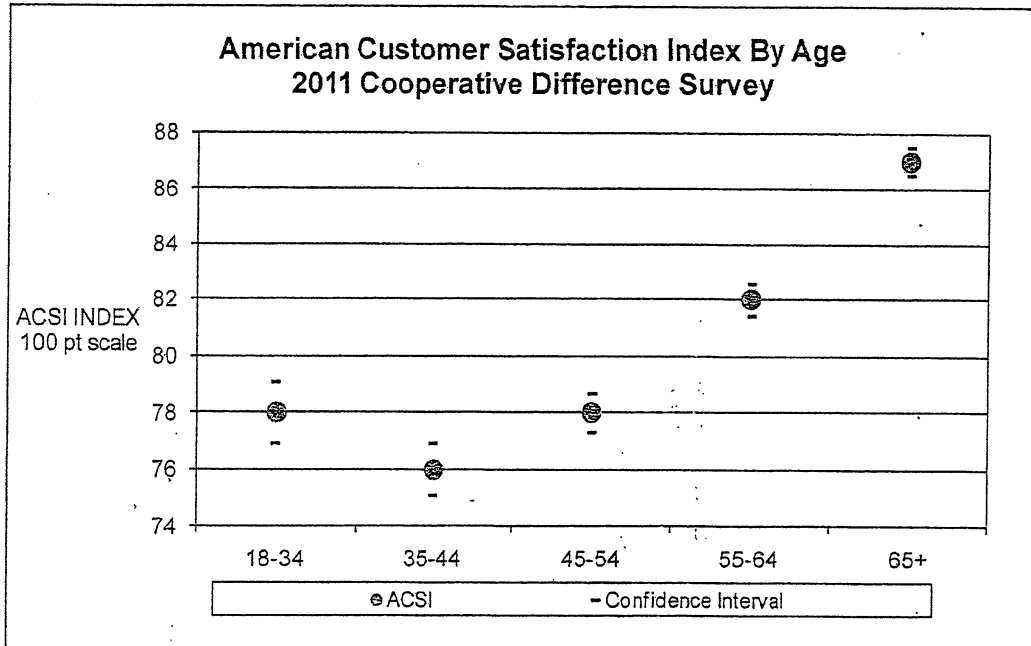


Both Touchstone Energy and the national samples have consistently out-paced the utility average by a significant margin and have compared favorably to the top rated investor-owned utility in the nation.

The utility industry average has shown improvement from the low 70's in 2006 to the mid 70's in 2012. According to the ACSI, this improvement in the investor-owned utility sector is being driven primarily by utilities providing natural gas service, either exclusively or in combination with electricity. The historically low cost of natural gas has most likely fueled this trend.

Six out of the top ten energy utilities monitored by the ACSI in the 3rd Quarter 2012 provided natural gas service. Atmos Energy, a gas-only investor-owned utility serving customers across 12 southeastern states, took the top spot with an ACSI score of 86.

As we have found in prior research efforts, satisfaction levels vary significantly by the age of the respondent. In the chart below, we show the overall ACSI index for five age groups from the national sample. (Note: the horizontal bars above and below the mean score show statistical precision at a 95% confidence level.)



The data show members between the ages of 18 and 54 provide lower ACSI ratings than their older counterparts. Each successive age cohort above the younger groups shows **significantly higher satisfaction** levels. The scores for those 65 years of age or older exceed the nearest cohort by five points and the score for 35-44 year olds by eleven points.

The lowest satisfaction scores were provided by members between 35 and 44 years of age. Satisfaction among this age group was significantly lower than all other age cohorts, including the cooperatives' youngest membership (18-34).

Our analysis shows that long tenure positively affects satisfaction. Since age is highly correlated with tenure, we further explore the link by looking at these effects in combination. This analysis shows that older members with short tenure express higher satisfaction than younger members with long tenure. We conclude therefore that while tenure helps, age is the overriding influence.

Overall satisfaction varies significantly by a host of other household characteristics identified from previous research.

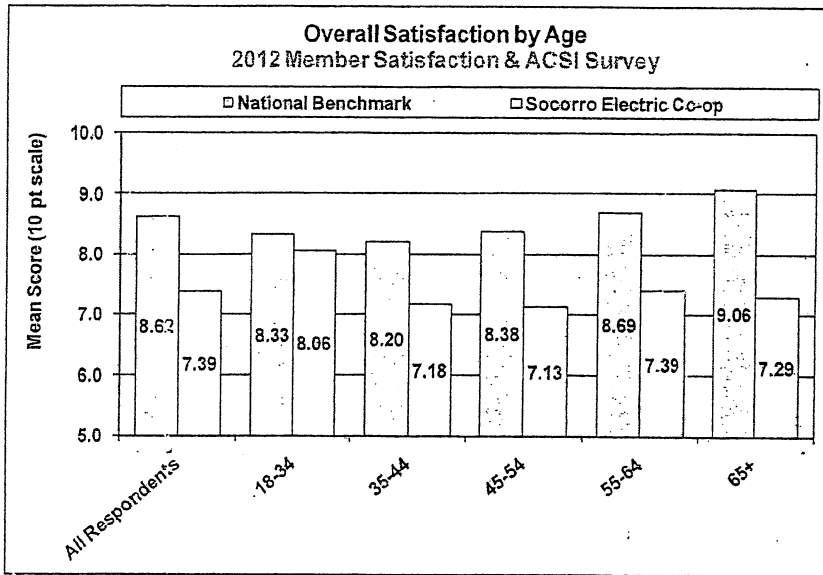
- Satisfaction is inversely related to the size of the monthly electric bill. Members indicating average monthly bills in excess of \$200 are significantly less satisfied than members with lower monthly bills.
- Empty-nesters and households without children report significantly higher satisfaction levels with the cooperative than households with children present. Members with children are likely to have higher energy use, be younger, have shorter tenure with the cooperative and may be under greater financial stress.

- Higher income households express considerably lower satisfaction with their electric cooperative than members in the lower income groups. This trend is noticeable even among senior members where satisfaction drops markedly among this segment's top income households.
- The highest satisfaction ratings typically come from low-income, senior members. Low income, however, does not tell the whole story. The lowest member satisfaction ratings are provided by low-income households from the youngest households (18-44).
- Men are more critical of the electric cooperative than women. Across all age groups, women provide significantly higher satisfaction ratings than their male counterparts. The lowest satisfaction is observed for men between 18 and 44 years of age while the highest satisfaction is provided by female members over 65 years old.
- Renters are significantly less satisfied than property owners. Age plays a significant role in this finding as a disproportionate number of younger members rent rather than own property.
- Members attending a cooperative's annual meeting during the past five years cite higher levels of satisfaction. The finding holds true across all age groups, reinforcing the importance of inviting participation from members of all ages in the annual cooperative event.

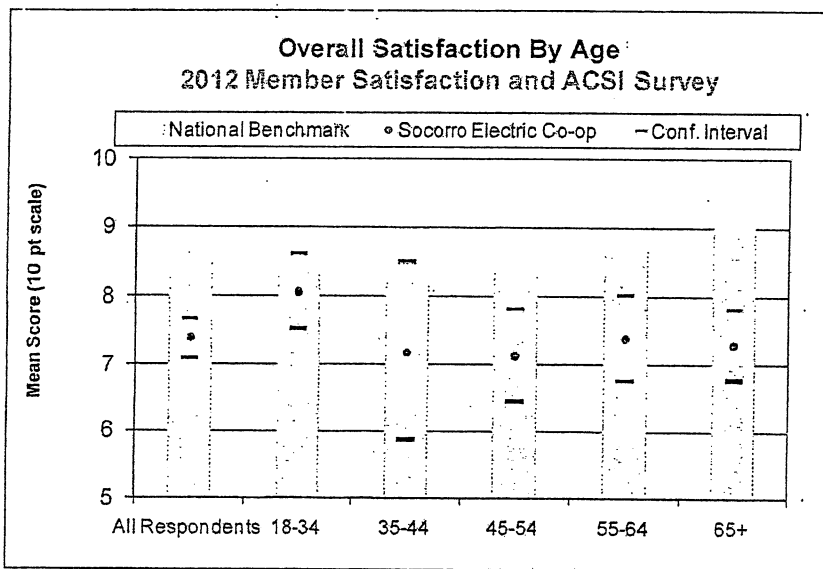
OVERALL SATISFACTION – SOCORRO ELECTRIC COOPERATIVE

Socorro Electric Cooperative performance marks for overall satisfaction fall below the National Benchmark group. Generally, highest ratings are for senior members with lowest scores found within the youngest group.

Socorro Electric Cooperative members across all age groups provide satisfaction ratings below the National Benchmark ratings.



The following chart shows these same data with associated measures of statistical precision. Socorro Electric Cooperative scores fall significantly below the benchmark group for middle-aged and senior member groups (45+).

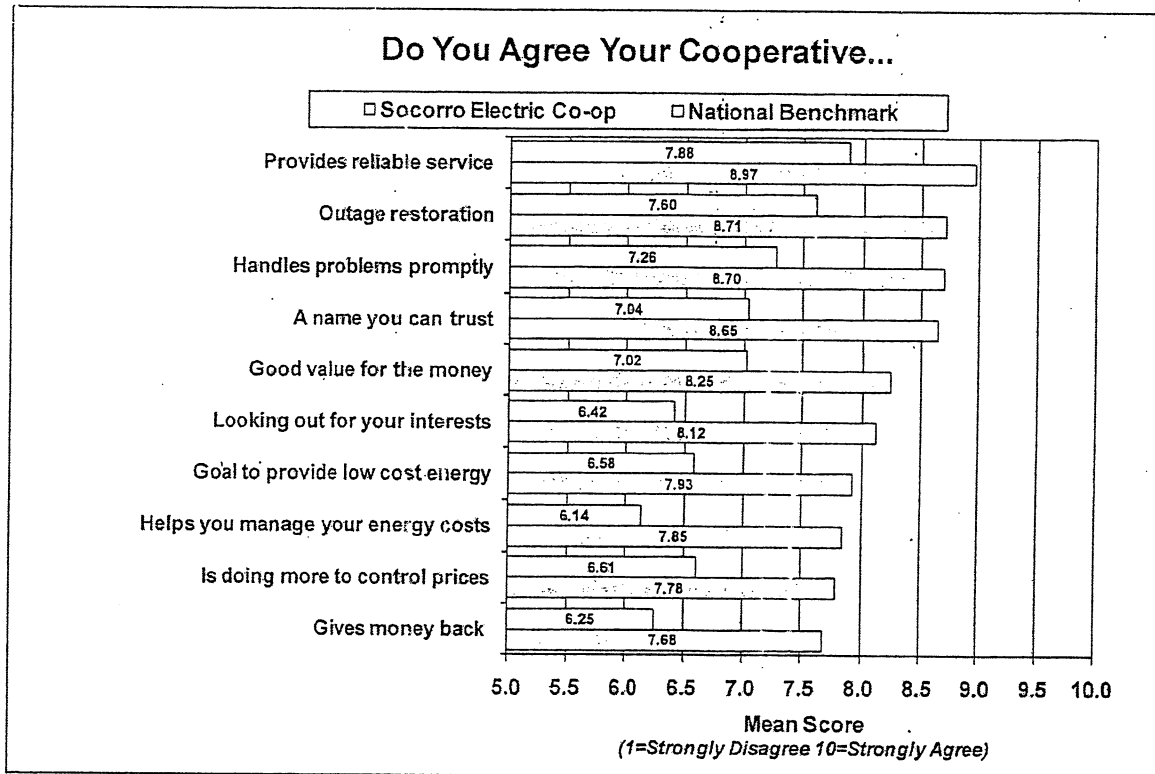


KEY ATTRIBUTE PERFORMANCE

Cooperatives receive high marks in core operational areas such as reliability, outage restoration and handling problems. However, ratings on service and image attributes unique to electric cooperatives show significant opportunity for improvement.

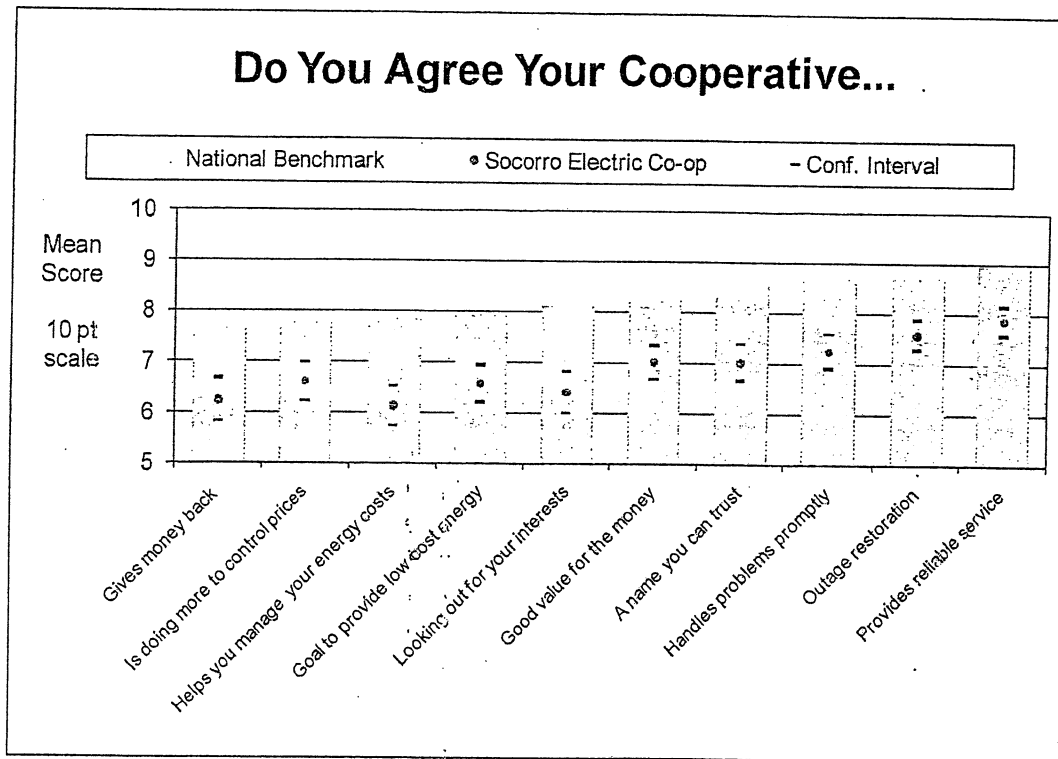
While satisfaction scores provided by the ACSI give us a robust measure of our overall position among service industries, it is also important we understand how our members perceive our performance across a range of service and image related attributes specific to the electric cooperative industry. This deeper exploration allows us to determine the unique elements of our service which most influence member engagement with the cooperative and provides a road map to improved ACSI scores.

Members were asked whether they agree their cooperative delivers on core competencies as well as elements related to our image and reputation. Agreement ratings for these attributes are shown on a ten point scale. A rating of ten indicates members 'agree strongly' with the statement. A rating of one indicates members 'disagree strongly.'



Cooperatives continue to receive exemplary scores for reliability, fairness, problem resolution, outage restoration, trustworthiness and delivering on promises. At the other end of the spectrum, members lack knowledge of their cooperative's efforts on 'pocketbook' issues. Members provide significantly lower ratings in areas related to helping members manage their electric usage and the cooperative's efforts to control rising prices.

Do You Agree Your Cooperative...



Members also provide mediocre scores in areas that speak directly to what should be advantages of the cooperative business model. Members generally do not understand the cooperative's goal is to provide energy at the lowest possible cost or that cooperatives give money back when revenues exceed costs.

Many of the attributes receiving lower scores can be positively influenced by cooperative communication efforts. Building awareness of the cooperative's goal to provide low cost energy, their commitment to control rising energy costs, and educating members on steps they can take to save money on their electric bill reflect significant opportunities communicators can leverage to promote higher scores.

Raising the awareness of capital credits and broadening their reach increases member satisfaction and engagement. Satisfaction and engagement is significantly higher among members of all ages when they are aware the cooperative gives back when revenues exceed costs. This is particularly true of young members who know little about co-op principles.

Service attribute scores for Socorro Electric Cooperative parallel scores received from the National Benchmark group, but trail them by a statistically significant margin across the board. The largest gaps are in areas associated with understanding the cooperative's goal to provide low cost energy, cost control efforts, helping you manage your energy use and communicating about good value.

KEY-DRIVERS OF ACSI SATISFACTION SCORES

Delivering essential services such as outage restoration, reliable electricity and effective problem resolution is necessary but not sufficient to maximize member satisfaction. Cooperative performance is increasingly evaluated by pocketbook issues and the member's perception of value.

The ACSI Index is based upon the answers provided to four key survey elements:

- Overall satisfaction
- Performance relative to expectations
- Comparison to an ideal utility
- Likelihood of choosing the utility again

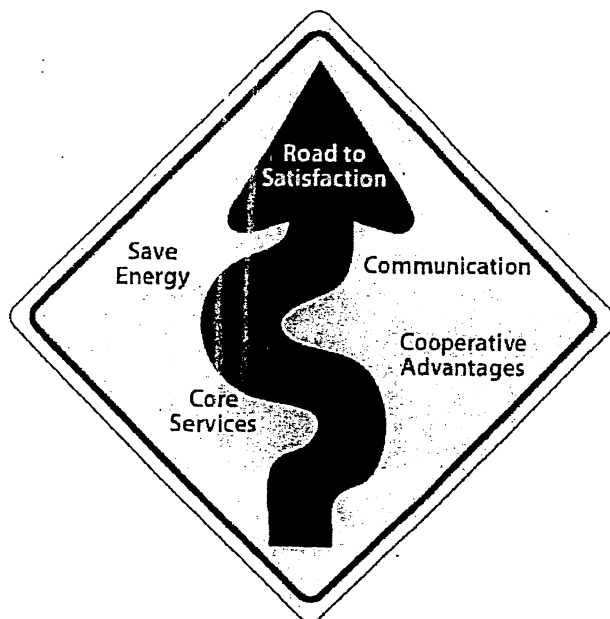
By analyzing how key service and image attributes described in the previous section influence the ACSI score, we can identify those attributes of our service which are most likely to move members to higher levels of satisfaction and engagement. In this section, we present the results of this 'key-drivers' analysis graphically and explore where our greatest opportunities are for improving the ACSI Index.

The Road to Member Satisfaction

The member experience with their cooperative is akin to traveling a long and winding road. Every mile along the way represents both opportunity and risk. The cooperative that achieves high levels of member satisfaction will have successfully navigated through unforeseen hazards that challenge their ability to delight members.

The foundation of a satisfied member is achieved through performance in **Core Services**. As cooperatives demonstrate they are able to handle problems, always deliver on promises, provide reliable service, are fair and trustworthy and look out for the members' best interest, they build a strong base from which to engage members in further dialog. We consider these elements **necessary** but not **sufficient** to truly satisfy consumers.

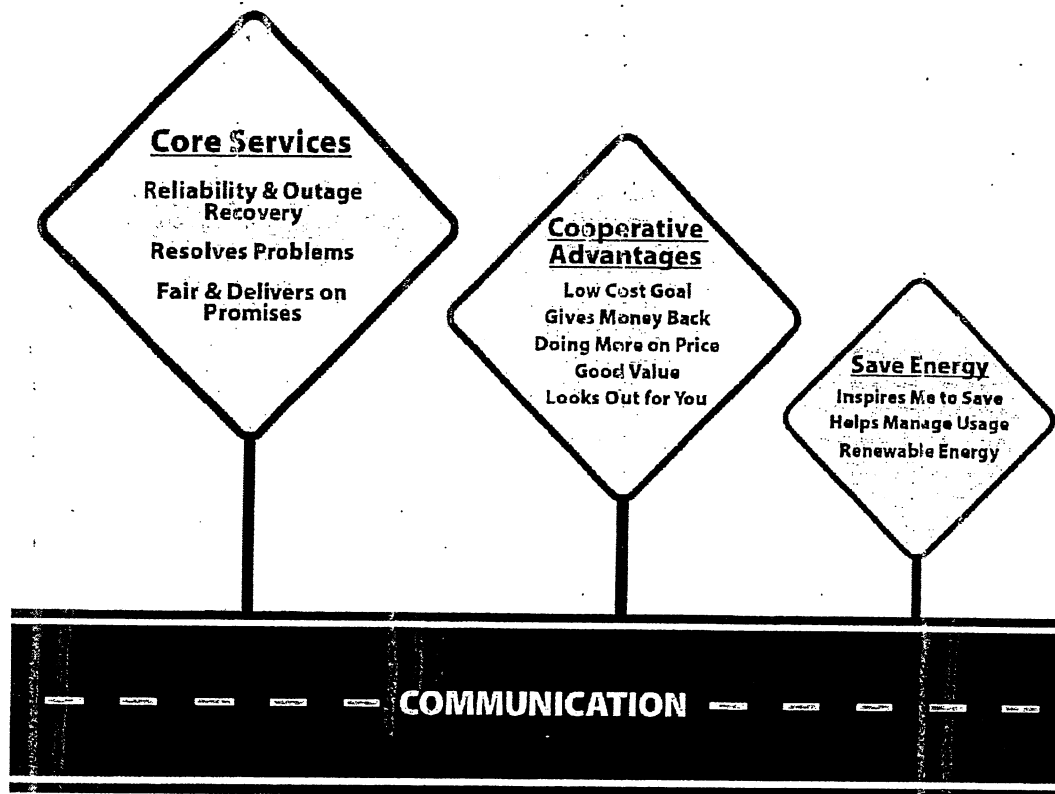
The road to satisfaction then requires members to become aware of our **Cooperative Advantages**. As we speak to our members about the pressure on costs and what we are doing to mitigate them, we should continually reiterate our goal as a cooperative to provide energy at the lowest possible cost.



Satisfaction also requires a dialogue with members about **Saving Energy**. Helping members gain greater control over the use of our product shows, in a concrete and meaningful way, that the cooperative has the best interests of the member in mind. Many of the energy-saving tools available through Touchstone Energy and www.togetherwesave.com are helpful in moving the member down the road to higher satisfaction.

Communication plays a significant role in satisfying members. Letting members know when we are working in their area, addressing their concerns about rising energy costs and promoting cooperative values helps members navigate through an ever-changing landscape.

The following diagram provides a road map for cooperatives interested in prioritizing their efforts at improving member satisfaction. The importance of each group of elements to improving their ACSI score is shown by the size of the sign surrounding the elements. Within each sign, the importance of each element to the overall category is shown by the relative order of the text.



While delivering on core services remains central to our members' perceptions, pocketbook issues and cooperative value are nearly as critical.

The diagram also shows that embracing renewable energy and helping members manage their costs contribute significantly to member satisfaction.

Finally, communication is the key vehicle for educating members about the forces affecting our industry and the efforts we are making on their behalf. The road to higher member satisfaction is paved by member communication.

The following summarizes each area and provides a guide to improving ACSI scores.

Core Services

High levels of member satisfaction cannot be achieved without performing well on **Core Services** such as providing reliable electricity, outage restoration and problem resolution. Cooperatives traditionally perform well in these operationally-focused areas as indicated by member ratings provided in the Key Attribute Performance section of this report.

Members have come to expect reliable electric supply and past performance has set high expectations for elements making up the **Core Services** block. In essence, when we provide high quality service, members are able to focus on other issues. However, if quality suffers, so will member satisfaction and the cooperative's ability to engage the member in further dialogue.

Cooperative Advantages

A second key component in attaining higher ACSI scores is demonstrating our **Cooperative Advantages**. These elements focus primarily on costs, value and pocketbook concerns.

It is critical the cooperative does its part to keep costs low and ensure the perceived value is commensurate with member expectations. The importance of these issues is magnified by the continued economic difficulties experienced by many electric cooperative members.

Achieving high ACSI satisfaction scores depends on strong performance in both **Core Services** and **Cooperative Advantages**. Given that most cooperatives consistently excel at **Core Services**, addressing shortcomings within the area of **Cooperative Advantages** presents the greatest opportunity to improve member satisfaction.

Anticipating the important role **Cooperative Advantage** elements play in enhancing member satisfaction, members were asked to explain their assessment of their cooperative's job at cost containment and their goal to provide electricity at the lowest possible cost. A detailed discussion of what members told us and how their commentary impacts member satisfaction is provided in the following sections:

Save Energy

Inspiring members to take action to save energy in their homes and proactively helping them to lower their energy costs are significant drivers of improved satisfaction. Educating the member on ways to use electricity more efficiently increases the member's feeling of control. Greater control of their monthly electric bill equates to improved satisfaction.

The final element in the **Save Energy** category is renewable energy. Our analysis shows that members naturally group renewable energy with energy efficiency and as a subsequent section of the report will show, they would have their cooperative embrace renewable energy as part of a balanced portfolio. Yet, our members are giving us a failing grade in this area (see Key Attribute Performance section).

Communication

Communication plays an important role in making members aware of our actions on their behalf. Linked closely to the three previous elements, effective communication is necessary to raise awareness of cooperative performance among **Core Services**, **Cooperative Advantage** and **Save Energy** elements.

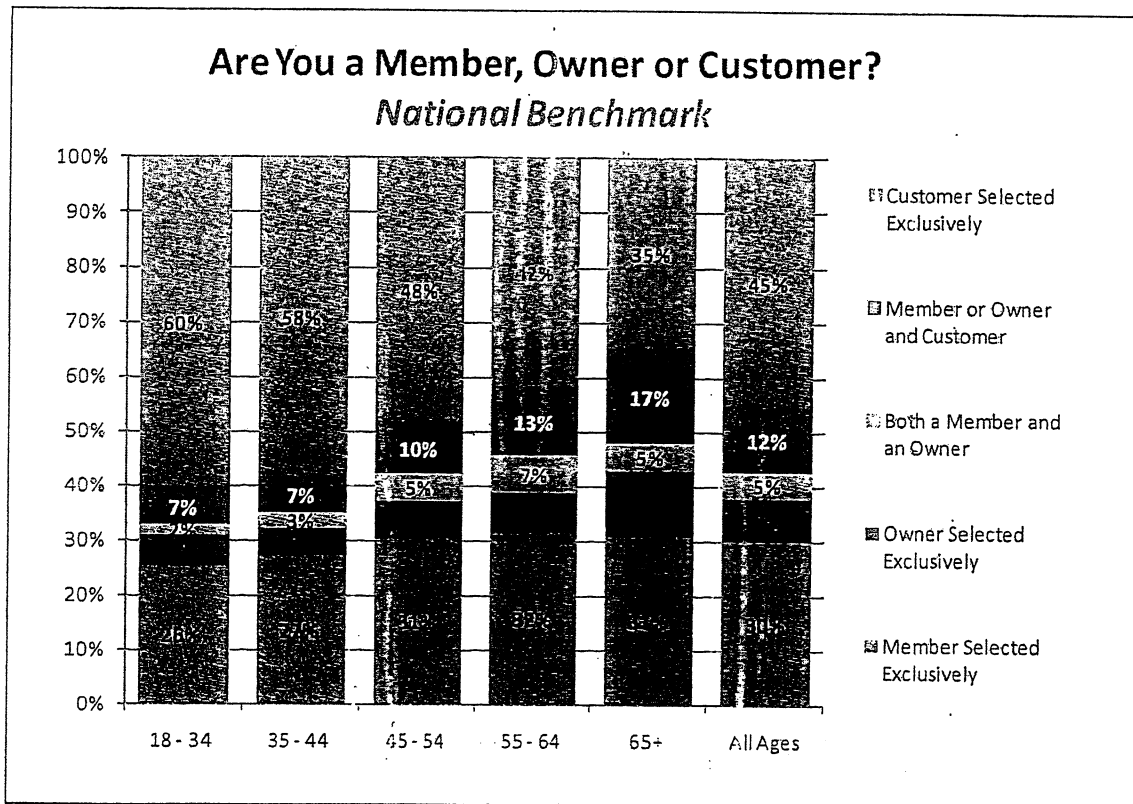
Communication's role is particularly important in increasing awareness among those areas where cooperatives receive the lowest scores. Highlighting our efforts in delivering a good value, cost containment and a goal of low cost will bring about increases in satisfaction and reinforce a positive image of the cooperative in the member's mind.

We also need to think of communication as more than just member newsletters. Every touch-point represents an opportunity to show how the cooperative is working on behalf of its members. For example, members who are made aware we are working in their area are significantly more satisfied than those who may be unaware of our presence.

MEMBER IDENTITY

The 'Cooperative Difference' is not understood by all. Nearly half of the membership lacks 'member' or 'owner' identity with their electric cooperative. The majority of young members view themselves as customers of the cooperative.

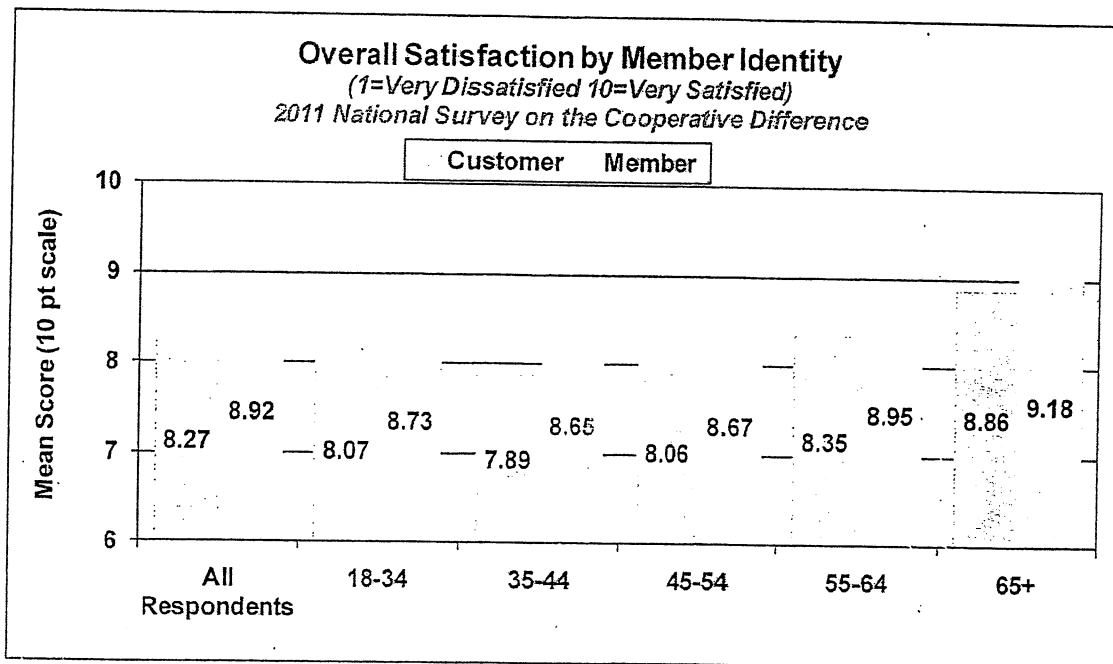
One measure of our success in engaging members is how they identify their relationship with the cooperative. As in prior Cooperative Difference Survey efforts, we ask members if they view themselves as members, owners or customers of their cooperative. The following table shows how our members define their relationship:



Senior members express the highest member and owner identity. Nearly two-thirds of respondents 65 and over indicated some level of connection with the cooperative (member, owner or both). The opposite is true for younger age groups where three-in-five limit their relationship with the cooperative to being a 'customer.'

Looking at member identity and satisfaction, we find that any connection to the cooperative beyond being a 'customer' improves satisfaction levels. In fact, those who limit their relationship to 'customer' rate their satisfaction with the cooperative significantly lower than members who acknowledge some level of member or owner identity.

As the chart below indicates, the satisfaction gap between 'member' and 'customer' is significant across all age categories. Communicating the benefits of being part of a cooperative organization clearly has its benefits, especially with the youngest members.



Members who associate their relationship with the cooperative as an 'owner' and/or 'member' provide **significantly higher** performance ratings in all areas tested.

Areas where the gaps in our performance are highest all relate to issues influenced by communications. Attributes with the widest gaps in performance between 'member' status and 'customer' status are listed below:

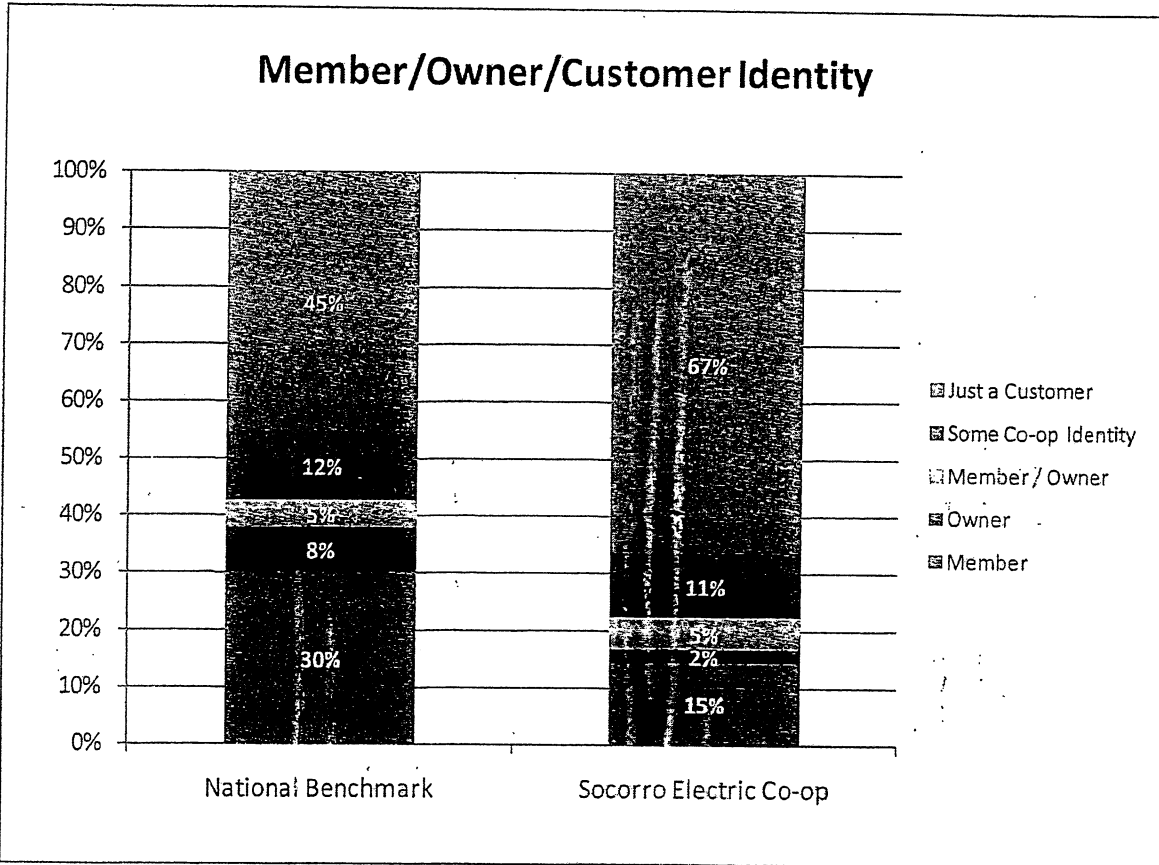
- Gives money back when revenues exceed costs
- Provides energy at the lowest possible cost
- Cooperative is doing more to control rising prices than other companies I use
- Looks out for your best interests
- Cooperative helps you learn to manage your energy use
- Communicates with you about rising electricity costs

Cooperatives can use their diverse communications channels to highlight the cooperative difference through messages focused on member dividends, cost-containment efforts and energy efficiency to build higher levels of 'member' awareness among their members.

Those indicating 'member' status were more than twice as likely to have attended at least one cooperative annual meeting during the past 5 years. Web and office visitors express higher 'member' affinity; however, the impact from these touch-points is significantly less. Cooperatives may want to review their office lobby signage and website content to maximize their communications opportunity to inform and educate the membership.

Members citing member or owner identity have the highest levels of member engagement, a concept that will be explored in detail in the following section. The vast majority of members represented in the lowest engagement group consider themselves to be customers of the electric cooperative.

Member Results for Socorro Electric Cooperative – Member Identity



The level of member/owner identity among Socorro Electric Cooperative members is weaker than the National Benchmark group. Only about one-third of Socorro Electric Cooperative members indicate any member and/or owner affinity to the cooperative.

MEMBER ENGAGEMENT

Winning the trust and loyalty of members is an evolution achieved through excellence in essential services and communicating the distinct cooperative advantages that build an emotional bond with the cooperative and a willingness to advocate on its behalf.

The previous section clearly shows consumers who show affinity with their cooperative exhibit significantly higher levels of satisfaction. **Member Engagement** goes beyond satisfaction by exploring the emotional bond created between members and their cooperative and provides critical insight into the actions and messages cooperatives can use to make members truly passionate about their membership.

Engagement helps cooperatives move a member from a state of indifference to an active proponent of the cooperative. Engaged members truly understand and embrace the Cooperative Difference. They are members who are willing to take action for the cooperative when needed, are more understanding and supportive of the cooperative during tough times and are true advocates for their cooperative and the cooperative business model.

We measure member engagement two ways. The first relates to advocacy, which we measure by how likely a member is to recommend the cooperative to family and friends. The second element is how a member identifies their relationship with the cooperative. Are they a member or owner of the cooperative or do they limit their relationship to that of 'customer?'

Combining these outcomes mathematically allows us to assess the service and image attributes of the cooperative that most influence member engagement. The graphic below shows the result of that modeling effort.

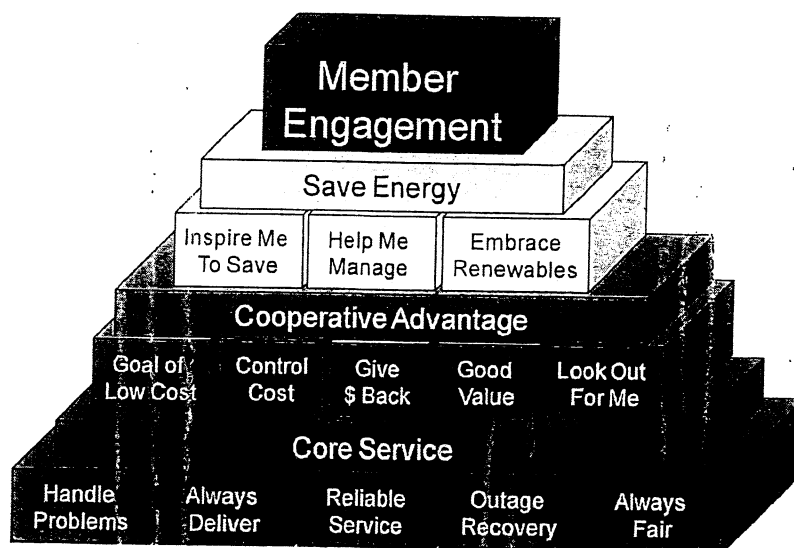
Drivers of Member Engagement



As the graphic shows, **trust is the dominant characteristic of an engaged member**. Following trust, we find reliable service and understanding our goal to provide energy at the lowest possible cost of equal importance.

Being treated fairly and awareness of capital credits are also highly effective in engaging consumers in their membership with the cooperative. Good value, controlling costs, looking out for you, power restoration efforts and energy efficiency round out the elements that most influence member engagement.

Another way to view engagement is with the following 'building block' diagram:



The foundation of the relationship, entitled **Core Service**, is shown in blue. As cooperatives demonstrate they are able to handle problems, always deliver on promises, provide reliable service, respond well to outages and are always fair, they build a strong base from which to engage members in further dialog. These foundational elements are **necessary but not sufficient** to truly engage members in the cooperative.

The second tier, entitled **Cooperative Advantage**, begins with proactive communication about rising energy costs. As we speak to our members about the pressure on costs and what we are doing to mitigate them, we should continually reiterate our goal as a cooperative to provide energy at the lowest possible cost.

Reinforce this message by letting members know that when we produce margins, we give money back in the form of member dividends or capital credits. These actions enhance the perception of value and demonstrate that the cooperative is indeed looking out for the best interests of its membership.

The final member engagement tier is entitled **Save Energy**. Proactive programs that help educate members on how to manage their energy costs and effective communications that inspire them to action are the key. Members also look to their cooperative to prudently embrace renewable energy as a part of a balanced portfolio.

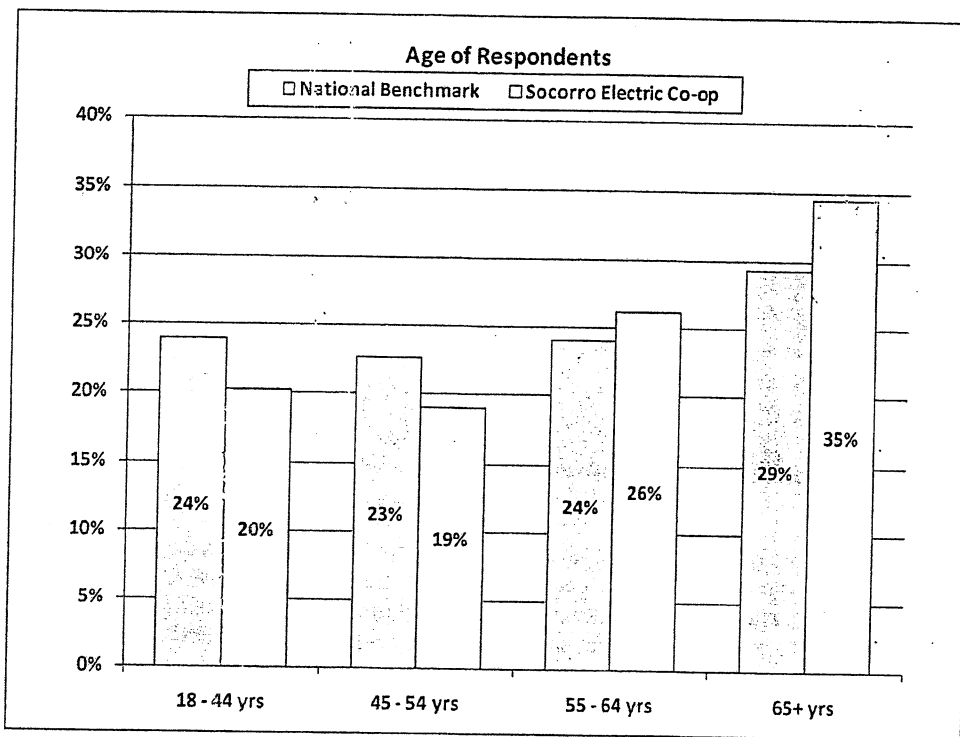
WHO ARE OUR RESIDENTIAL MEMBERS?

The face of our electric cooperative membership reflects a slightly older, middle-income family residing in an older home and paying a relatively modest electric bill.

The following provides some insight into the characteristics of member households participating in the 2012 ACSI Incentive Survey:

Age of Member

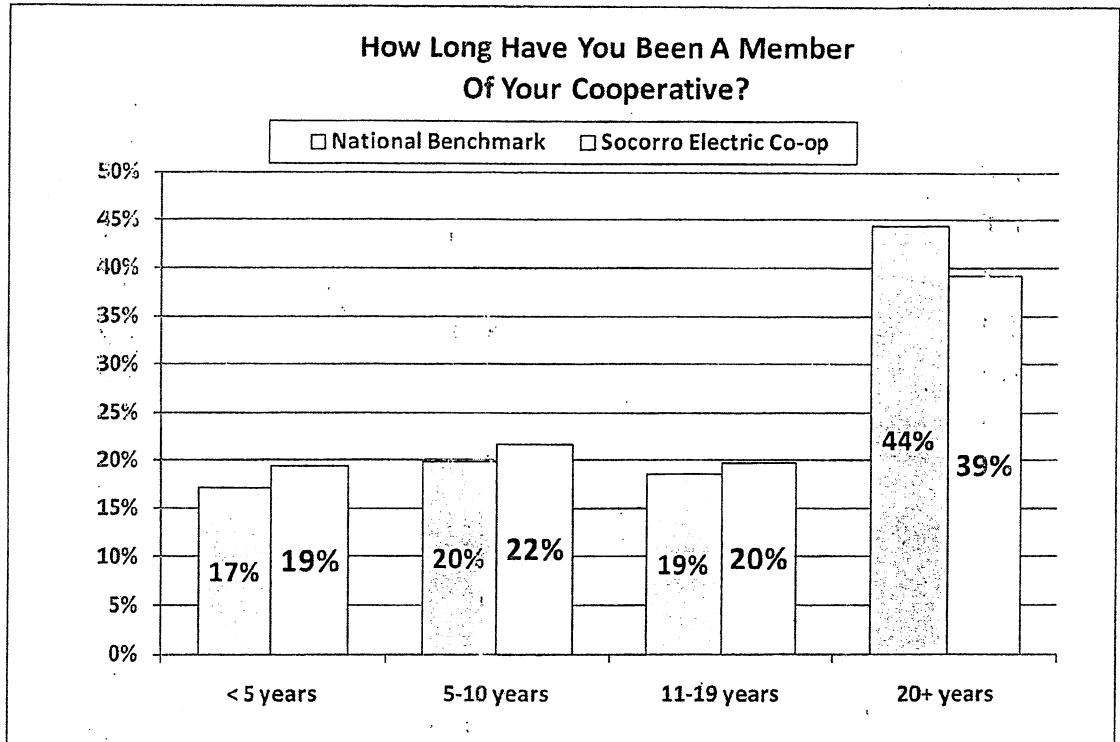
Senior members represent the largest group of survey respondents. Over six out of ten survey respondents were 55 years of age or older. Conversely, only one out of five members were less than 45.



The age distribution of Socorro Electric Cooperative members does not vary significantly from the National Benchmark group.

Length of Membership

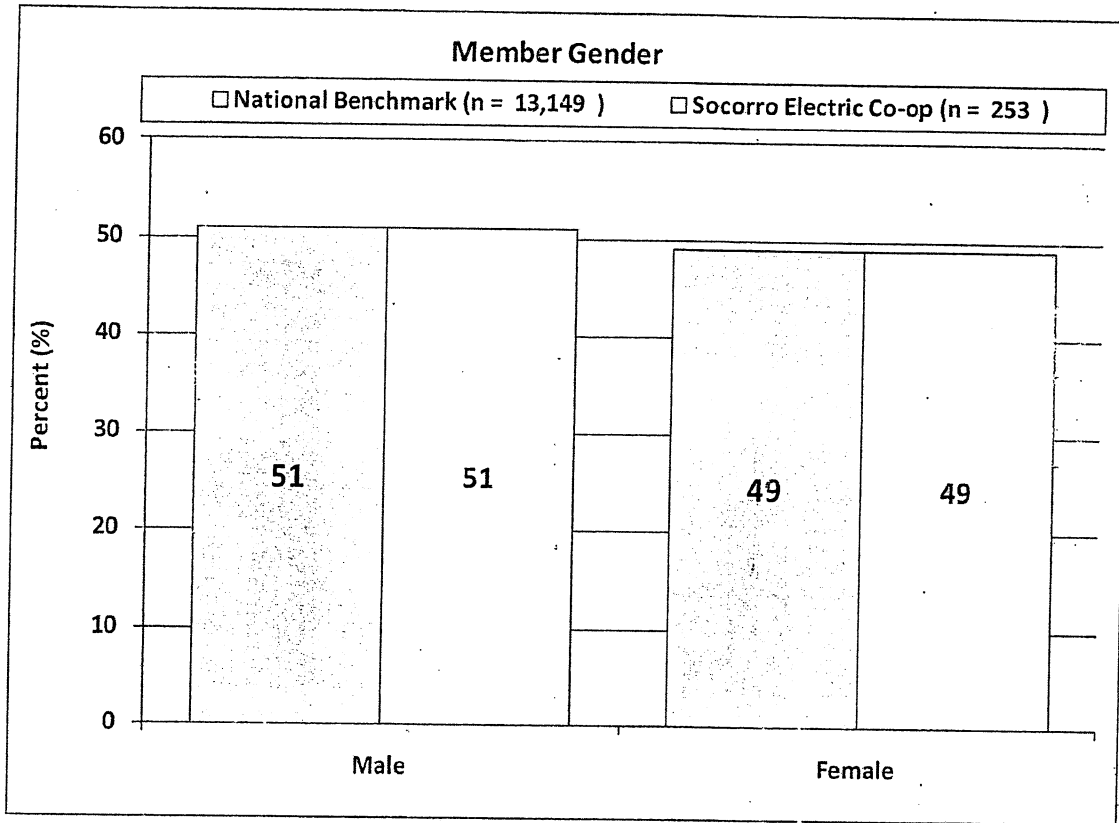
Cooperative members have established long tenures with their electric provider. Approximately four out of ten respondents stated they had been a member of their electric cooperative for more than 20 years. Conversely, less than one out of five members had been with the cooperative for less than five years.



From a member tenure perspective, the distribution of Socorro Electric Cooperative members is not significantly different from the National Benchmark group.

Respondent Gender

Survey results indicate a nearly equal split between male and female respondents comprising the National Benchmark group. Women tend to provide higher overall satisfaction ratings and performance scores for the cooperative than men.



The breakdown of survey respondents by gender does not reveal any significant differences between Socorro Electric Cooperative members and those from the National Benchmark group.

CONCLUSIONS

Touchstone Energy cooperatives provide superior service to their membership.

Collectively, cooperatives significantly outperform the utility industry average and compare favorably to the best investor-owned utilities in the country as measured by the *American Customer Satisfaction Index (ACSI)*.

Economic realities continue to affect member perceptions.

Concerns about electric costs and their impact on family budgets have raised the importance members place on cost containment and the value of electricity. Future advances in ACSI scores will be influenced by how well the cooperative communicates our goal to provide electricity at the lowest possible costs and by actions taken to mitigate future cost increases.

Cooperatives excel on core competencies such as reliability, restoration and resolution.

Co-op performance has raised the bar and members have grown to expect nothing less than excellence from their electric supplier. Maintaining exemplary performance with core services while establishing a dialogue with members on energy costs and value opens the door to higher levels of trust and engagement with the membership.

Building trust and the value of membership continues to pay dividends.

Respondents indicating their relationship with the cooperative is more than 'just a customer' provide significantly higher performance ratings on a myriad of key satisfaction drivers.

Members express a desire to gain better control over their consumption of energy.

Although members share the responsibility for managing their behaviors, cooperatives performance is far from ideal in influencing members to higher levels of energy efficiency and inspiring them to take action.

RECOMMENDATIONS

The rapid pace of change in the electric utility industry requires cooperatives to think differently. New technologies allow cooperatives to provide greater reliability and system control than ever before. At the same time, members are becoming more demanding in their quest for accountability, integrity and information.

Times of change are opportunities for cooperatives to shine. Rural electric cooperatives should leverage the trust members have in them to help navigate the maze of rising energy costs, grid modernization, climate change, renewable energy and legislative concerns. From the member's perspective, the '*Cooperative Difference*' has never been more critical.

The following recommendations support key outcomes from this year's study:

- *Develop and actively promote proactive energy efficiency initiatives* such as TogetherWeSave.com and the Touchstone Energy Home program.
- *Continue to highlight simple solutions for saving energy* with special emphasis on no cost/low cost efficiency initiatives.
- *Communicate with the membership* ahead of retail rate adjustments and stress your goal to provide low cost electricity and what you are doing to mitigate rate impacts.
- *Enhance member value in difficult economic times* by implementing and expanding programs such as the Co-op Connections Card to maximize member savings.
- *Continue the dialogue with members* concerning the issues and challenges that lie ahead for electric cooperatives and the electric industry. A member who feels they have been included in the dialog will be more receptive to change.
- Employ the resources of *Our Energy, Our Future* to maximize grassroots efforts, especially for our senior members.
- *Communicate efforts at cost containment* by speaking specifically to actions your cooperative has taken to minimize rising energy costs and *reiterate our goal to provide energy at the lowest possible cost.*
- *Build awareness of on-line communications resources* through the cooperative's website. Enhance local on-line presence with valuable content such as TogetherWeSave.com, on-line bill payment, and usage history information.
- *Integrate strategic communication efforts* with national and regional efforts to fully leverage the cumulative impact of a coordinated and consistent campaign.

APPENDIX I: 2012 ACSI INCENTIVE SURVEY INSTRUMENT

2012 TOUCHSTONE ENERGY - ACSI INCENTIVE SURVEY

INTRODUCTION:

Hello, may I please speak with [INSERT MEMBER NAME]?

(IF THE MEMBER IS NOT AVAILABLE BUT THIS IS THE CORRECT HOUSEHOLD AND ADULT IS ON THE PHONE, CONTINUE)

Hello, my name is [INSERT NAME] with TSE Services. I am calling on behalf of [INSERT CO-OP], your electricity provider. We are conducting a survey of [INSERT CO-OP] members and would like to include the opinions of someone in this household. Your opinions will help [INSERT CO-OP] enhance satisfaction and improve services for all members.

IF NEEDED ADD: We are not selling anything. This is public opinion research. This call may be monitored for quality assurance purposes.

HH1. Are you the adult in this household who is primarily responsible or shares responsibility for paying the electricity bill?

- 1 Yes/I am or share responsibility
- 2 No – RESPONDENT AVAILABLE: [RESTART AT INTRO]
- 3 No – RESPONDENT NOT AVAILABLE: [ARRANGE CALLBACK]
- 4 No – REFUSED: [TERMINATE - CODE AS REFUSAL]
- 5 No longer a member of this cooperative [TERMINATE]

HH2 To make sure we speak to a representative group of people, which of the following categories includes your age....

1. 18 to 34 years old
2. 35 to 44 years old
3. 45 to 54 years old
4. 55 to 64 years old
5. 65 or older
6. (DO NOT READ) Refused [TERMINATE]

HH3. First, think for a moment about your relationship with [INSERT CO-OP]. Do you view yourself as a member, an owner or a customer of your electric cooperative? (DO NOT READ. CHECK ALL THAT APPLY)

[ALLOW MULTIPLE RESPONSES]

1. Member
2. Owner
3. Customer
4. Don't Know [EXCLUSIVE]

Q1. Please consider all your experiences to date with [INSERT CO-OP]. Using a 10-point scale on which "1" means "very dissatisfied" and "10" means "very satisfied," how satisfied are you with [INSERT CO-OP]?

[SCALE; RANGE = 1 – 10; 11 = DON'T KNOW; 12 = REFUSED]

Q2. To what extent has [INSERT CO-OP] fallen short of your expectations or exceeded your expectations? Using a 10-point scale on which "1" now means "falls short of your expectations" and "10" means "exceeds your expectations," to what extent has [INSERT CO-OP] fallen short of or exceeded your expectations?

[SCALE; RANGE = 1 – 10; 11 = DON'T KNOW; 12 = REFUSED]

Q3. Forget [INSERT CO-OP] for a moment. Now, I want you to imagine an ideal utility company. (PAUSE) How well do you think [INSERT CO-OP] compares with that ideal utility company? Please use a 10-point scale on which "1" means "not very close to the ideal," and "10" means "very close to the ideal."

[SCALE; RANGE = 1 – 10; 11 = DON'T KNOW; 12 = REFUSED]

Q4. For the next question, assume, for the moment, that you could choose from among more than one utility company. The next time you are going to choose a utility company, how likely is it that it will be [INSERT CO-OP] again? Using a 10-point scale on which "1" means "very unlikely" and "10" means "very likely," how likely is it that it will be [INSERT CO-OP] again?

[SCALE; RANGE = 1 – 10; 11 = DON'T KNOW; 12 = REFUSED]

Q5a. Please rate your level of agreement with the following statements concerning your electric cooperative. Using a scale from 1 to 10 where 1 means "disagree strongly" and 10 means "agree strongly"...

[SCALE; RANGE = 1 – 10; 11 = DON'T KNOW; 12 = REFUSED]

How much do you agree that [INSERT CO-OP] ... [INSERT ATTRIBUTE][RANDOMIZE ATTRIBUTES]

1. Provides reliable service
2. Handles complaints and problems promptly
3. Has a goal to provide electricity at the lowest possible cost
4. Restores power quickly following an outage
5. Is doing more to control rising prices than other companies you use
6. Provides a good value for the money you spend
7. Looks out for your best interests
8. Helps you learn to manage your electricity usage
9. Gives money back to you when revenues exceed costs
10. Is a name you can always trust

DEMOGRAPHIC SECTION

The last set of questions is for classification purposes only.

D-1. How long have you been a member of [INSERT CO-OP]? (DO NOT READ LIST)

1. 0-1 year (2009 – 2011)
2. 2-4 years (2006 – 2008)
3. 5-7 years (2003 – 2005)
4. 8-10 years (2000 – 2002)
5. 11-14 years (1996 – 1999)
6. 15-19 years (1991 – 1995)
7. 20-24 years (1986 – 1990)
8. 25+ years (1985 or earlier)
9. DK/NA/REF

D-3. Finally, do you have any comments or suggestions on how [INSERT CO-OP] can improve its service to you?

[RECORD MEMBER COMMENTS]

D-4. Record gender (DO NOT ASK).

1. Male
2. Female

Those are all of my questions. On behalf of [INSERT CO-OP], thank you very much for your participation in this survey.

Have a great day/evening.

ID	Cooperative	Q1: Satisfaction rating	D3: Comments or suggestions on how to improve service
20194269	Socorro Electric Cooperative	1	I think they need a new manager, that is when the light bills went up and the lawyer sued the owners of Socorro. I called and asked them to check the meter, no one was sent out to check the meter.
20194630	Socorro Electric Cooperative	1	Well they can step it up with their customer service and they can stop bickering so much with their board members.
20202257	Socorro Electric Cooperative	1	Get rid of the board members.
20202669	Socorro Electric Cooperative	1	Probably, if they quit bickering. They think they are the bosses, but it's the people that are the bosses. We are members and they act like they are in charge. They had an election and they overrode everything that was done at that meeting. The members voted and the board members overrode those elections.
20202984	Socorro Electric Cooperative	1	They could abolish the current board members and perhaps we could get a true board that responds to the rate payers and members.
20202661	Socorro Electric Cooperative	2	Stop going to meetings because they fight and argue. Fed up, members are tired of bickering.
20203049	Socorro Electric Cooperative	2	I think the co-op board of directors need to pay more attention to its membership.
20193772	Socorro Electric Cooperative	3	I think they need to reevaluate the eba I have a travel trailer and I was charged \$47.95 and I run a low voltage light and it doesn't make sense to me.
20209712	Socorro Electric Cooperative	3	Yes, lower their rates.
20201188	Socorro Electric Cooperative	3	Follow the state mandate, pay attention when people file complaints without repercussion to elderly people.
20202236	Socorro Electric Cooperative	3	Stop the fighting, internally. It seems that there's a lot of lawsuits and they are paying lawyer fees that could be going back to the members and lower their rates. It seems for the past few years, there's been nothing but fighting. I guess, they do need to be transparent, it's gotten out of control.
20202606	Socorro Electric Cooperative	3	Yes I'm very disappointed with the board. I don't like the members of the board. I think they're acting like a bunch of children suing their own members.
20203050	Socorro Electric Cooperative	3	They don't listen to what the members have to say. The board has their own agenda.

20203172	Socorro Electric Cooperative	3	Yes, I would like to see something done to help people with renewable energy, specifically solar power and windmills. I'd like them to be more honest with customers because I feel they lie to us a lot. The board members take outings once a year. Less board members would be more sufficient and board members should not have health insurance for a lifetime.
20203204	Socorro Electric Cooperative	3	They need to get employees who are not rude to you when you go in to get service. When you get medical papers to not turn your power off you have to go every month, would like that done away with too much hassle (keep that form on record).
20195082	Socorro Electric Cooperative	4	Need communication between members /customers and the coop who runs it.
20202018	Socorro Electric Cooperative	4	They can stop causing us to have to pay for frivolous things, such as lawsuits because of them not doing what they're supposed to. The governing body shouldn't be getting raises while everybody else is struggling to pay their bills and when someone receives their late notice they should put it on their door not on the fence or the end of the driveway where someone may not see it, its called a door hanger, that's why it's there for a reason. They're charging \$25 to bring a notice that you will get disconnected soon, but they don't make sure that the notice gets to you. I'm disabled and my driveway is a least more than 100 feet away.
20202605	Socorro Electric Cooperative	4	Yeah these district guys that they got they need to fire them all and put all that extra money into their resources and increasing grid capacity. The power is always going out crashing everything, I've had equipment burn up, power surges and they don't maintain it right away. You got all these district guys, board members, they don't do a damn thing. Personally I think they should be reading meters, instead of stating that they read the meter in the office. I think it is a rip off to charge \$15.00 per meter, so if you have more than one meter you are charged \$15.00 per meter.
20202635	Socorro Electric Cooperative	4	

20202585	Socorro Electric Cooperative	5	Well I think that they need to have better communication within their own company. Things just didn't get done when I had a problem. This problem went on for several months. I didn't think they gave a hoot.
20202587	Socorro Electric Cooperative	5	Bickering and the fighting in the meetings.
20202601	Socorro Electric Cooperative	5	It is the board of directors, that is the whole problem.
20202648	Socorro Electric Cooperative	5	They can read the meter and be fair. Our electricity blinks on and off every time we get a bit of a storm.
20202666	Socorro Electric Cooperative	5	Need more efficiency in the answering service/customer service.
20202674	Socorro Electric Cooperative	5	My biggest complaint is the cost. They are like 4 cents more than other companies. Power should not go out during storms. Price should be closer to other companies in comparison. They do work with people on being late.
20202690	Socorro Electric Cooperative	5	I rated them low because they are running up all of the legal bills.
20202699	Socorro Electric Cooperative	5	By making the board listen to us and do what we want them to do. We are supposed to be the owners.
20203007	Socorro Electric Cooperative	5	I wish they could be a little lower.
20203036	Socorro Electric Cooperative	5	They put in a brand new power line and they didn't tell us why they did things and I think we should be informed.
20203054	Socorro Electric Cooperative	5	Number of outages needs to be cut down on.
20203207	Socorro Electric Cooperative	5	They shouldn't treat one that's been a customer for four or five years as a new customer.
20203236	Socorro Electric Cooperative	5	Be more clear about how to get a new service in another home when you move.
20191835	Socorro Electric Cooperative	6	Stop power outages.
20193801	Socorro Electric Cooperative	6	As far as I know, I think upgrading the utility lines and poles that come up through Catron County.
20194006	Socorro Electric Cooperative	6	Go down on the price.
20194622	Socorro Electric Cooperative	6	Lower prices and less outage.

20202716	Socorro Electric Cooperative	4	The advisory board needs to go jump off a.....But the ground crew is good. The board is a bunch of crooks.
20202975	Socorro Electric Cooperative	4	Improve customer relations.
20203025	Socorro Electric Cooperative	4	First, the company does not run like a cooperative. In the past they have tried to prevent people from having a say in attending the meetings and have called the police about the members attending the meeting. They had the police there because the Socorro Electric Cooperative did not want the people to have a say.
20191833	Socorro Electric Cooperative	5	Well I think they should settle all their lawsuits. Accept the reformers issues and if they accept the reformers issues this will speak for the vast majority of the co-op members.
20193942	Socorro Electric Cooperative	5	They could answer their e-mails; I have been trying to get on auto pay for 3 years and gave up because they did not answer my e-mail, so I have to pay online every month; also, they keep sending me a paper bill each month even though I do online billing every month.
20194588	Socorro Electric Cooperative	5	Better communication disclosure of policies and basic ways they spend money from consumers. It took me 3 years to get an energy audit after I dealt with very high bills for a long time they made a contract to use less during peak hours for a lower rate and then they changed rates for peak hours and did not give sufficient notice or communicate they were doing it.
20195097	Socorro Electric Cooperative	5	Take care of the business.
20201943	Socorro Electric Cooperative	5	I would say that if I had a way to get solar power I would definitely look into that.
20201957	Socorro Electric Cooperative	5	Get a better line out where we are. They don't seem concerned for us. I asked for a transferred station, voted for a better representation, board of trustees don't care about customers, only themselves.
20202058	Socorro Electric Cooperative	5	Change the management.
20202239	Socorro Electric Cooperative	5	Socorro is not fair on who gets shut off for not paying their bill on time. Some people in this town can go a month before being cut off, and, for others, Socorro will cut off their service after being only one or two days late.

20194961	Socorro Electric Cooperative	7	Again in the area of communications with all clients all members and all customers too much negative communication in the local paper at the moment.
20195070	Socorro Electric Cooperative	7	They can be more specific about the disconnection notices for when they are going to shut off the power.
20195081	Socorro Electric Cooperative	7	No they are doing the best they can.
20195104	Socorro Electric Cooperative	7	Probably less power outages and make it more affordable.
20195137	Socorro Electric Cooperative	7	They can remove some of the barrier that they put up to keep customers from using renewable energy.
20202003	Socorro Electric Cooperative	7	More responses to members ideas.
20202004	Socorro Electric Cooperative	7	Try to get the billing better and the legal suits, where is the money coming from to pay for it, get qualified to handle litigations.
20202524	Socorro Electric Cooperative	7	To stop surges and power outages in our area. Rates are high and we never receive money back.
20202525	Socorro Electric Cooperative	7	Quit fighting with each other.
20202590	Socorro Electric Cooperative	7	Listen to the people.
20202634	Socorro Electric Cooperative	7	Do not like automated system. They should have asked first about making changes.
20203168	Socorro Electric Cooperative	7	Hmmm, lower prices.
20194468	Socorro Electric Cooperative	8	They might listen to the people and stop suing us, they have been on the board so long they think it is theirs. When is the election for this area?
20194934	Socorro Electric Cooperative	8	The electricity is always going out, even during a wind storm or rain storm.
20194985	Socorro Electric Cooperative	8	Lower the prices. Socorro employers need to focus on the needs of their customers rather than focusing on their own needs of taking expensive vacations, when monies can be recycled back to the company.
20195064	Socorro Electric Cooperative	8	What they need to do: a lot of the questions on this survey should cover the operations of Socorro, but there should also be questions, on a 1-to-10 scale, on what the people think about the board's conduct (not the employees' conduct) because the board's conduct affects the overall operation, both good and bad.
20195114	Socorro Electric Cooperative	8	I wish my service wasn't so high.

			Since we started using Socorro they are less but there are still quite a few of them. We also have power surges, they sent people to check the meter and we did not know they were coming and they did not knock on our door, we suggest they start giving us some notification in advance. We are not happy with them, we were renting, our bills were very high and they told us they were estimating our bill and that really bothers us.
20195098	Socorro Electric Cooperative	6	
20201955	Socorro Electric Cooperative	6	Resolve their legal issues.
20202005	Socorro Electric Cooperative	6	Decrease rates.
			Well like I said earlier on one of those questions. I think there is a coop and a board and I think the board is the problem. In the past the board votes themselves raises and per diems just for meetings and they go on these little junkets for coop business although that's questionable. As of late it seems there is a little clique. They had a meeting a while back where they had recalled this guy and all the board was on his side and were persuading people to vote for him and he was doing questionable things. There were discrepancies in the revenue and came up with a bylaw where nobody could look at the books. We've only had one rebate check in the 20 years we've had service. The present board is not too good. I've gone to a couple of meetings and it seems that the majority of the board thinks one way and they don't let anyone else have an opinion. It's hard to get rid of them when they know a lot of people.
20202235	Socorro Electric Cooperative	6	
20202989	Socorro Electric Cooperative	6	Bring in more outside people to work.
			I would appreciate returned phone calls whether its during power outages, business hours, etc.
20203024	Socorro Electric Cooperative	6	
			That their board needs to spend less money on the conferences and think about what they are doing at the conferences. Sometimes they are not taking care of the people that elected them and they don't do as good of a job as they should. They only care about what they could get out it.
20203228	Socorro Electric Cooperative	6	
20194018	Socorro Electric Cooperative	7	Lower the prices.
			Board needs to be focused on the members instead of themselves.
20194431	Socorro Electric Cooperative	7	
			We're spending a lot of money for attorneys.
20194876	Socorro Electric Cooperative	7	

20203034	Socorro Electric Cooperative	9	I think they should get their board of trustees straightened out. They have been out for themselves and not for the members.
20193758	Socorro Electric Cooperative	10	There are some problems with the board members and I think that they should not listen to the board members and that they (board members) should listen to the members rather than acting on personal interests.
20194639	Socorro Electric Cooperative	10	To find people that they won't be complaining about. I saw this in the paper.
20194906	Socorro Electric Cooperative	10	Just that power is restored back as soon as it goes out.
20194910	Socorro Electric Cooperative	10	Free bill.
20201954	Socorro Electric Cooperative	10	They could lower the cost of electricity that goes to my house.
20202568	Socorro Electric Cooperative	10	I like their automatic reading...
20202575	Socorro Electric Cooperative	10	When we are shut down from service due to a power outage I would like for them to be a little faster.
20202598	Socorro Electric Cooperative	10	Hire new honest people to be on the board.
20202658	Socorro Electric Cooperative	10	I wish they would hire more people - it seems they need help - too many customers to take care of.
20202683	Socorro Electric Cooperative	10	Lower my bill.
20202851	Socorro Electric Cooperative	10	To make electricity more readily available because most ranchers can not afford to have the lines on their property.
20202985	Socorro Electric Cooperative	10	Offer alternative power options.
20202994	Socorro Electric Cooperative	10	Add more alternative energy resources, not nuclear. Add more wind power, solar power and hydro electric.
20203002	Socorro Electric Cooperative	10	When they come on the ranch to cut trees they need to get the mess up. They also need to ask for permission to enter the pastures.
20203032	Socorro Electric Cooperative	10	Give us some ideas on how to put in solar panels so we can save money.
20203048	Socorro Electric Cooperative	10	Instead of sending a \$10 or \$13 refund check do a banquet, a community event would be a big help.
20203198	Socorro Electric Cooperative	10	Lower the rates.
20202622	Socorro Electric Cooperative	11	Listen to its owner and members when doing its business.
20203171	Socorro Electric Cooperative	11	Our problem is with the board we're fine with the cooperative.

20201958	Socorro Electric Cooperative	8	Just help with the power surges I know it might be hard but surges are what really hurt I blew a well one time and I had a surge and it messed my well up. of course this was years ago but I think they have gotten better.
20202006	Socorro Electric Cooperative	8	Streamline its board. Cut down on the number of members it has and be not quite so top heavy on administration.
20202224	Socorro Electric Cooperative	8	Find a way to keep lightning from hitting their transformers.
20202291	Socorro Electric Cooperative	8	The only problem that we have is that since we live in another state we have a problem going on to their web page.
20202586	Socorro Electric Cooperative	8	Whenever I've had a problem they took care of it right away and I'm in a rural area.
20202610	Socorro Electric Cooperative	8	Check lines more often.
20202637	Socorro Electric Cooperative	8	I think the problem we have now is that some of the board members have their personal agendas and are not looking out for the members.
20202641	Socorro Electric Cooperative	8	Politics could do a little less on.
20202643	Socorro Electric Cooperative	8	Yes, get their boards or their crew down to about 3 people instead of 12; they can make as many mistakes as 12 can.
20202823	Socorro Electric Cooperative	8	Our electricity flickers on and off a lot.
20202845	Socorro Electric Cooperative	8	They need to quit fighting with each other and concentrate on the service.
20202983	Socorro Electric Cooperative	8	Not to be charging people \$25 for a door-hanger.
20203013	Socorro Electric Cooperative	8	They can put the wires underground and then they could have fewer outages.
20203193	Socorro Electric Cooperative	8	Lower there prices.
20194633	Socorro Electric Cooperative	9	Uhhh we're interested in setting up solar systems we want to know if Socorro can help us with that.
20194888	Socorro Electric Cooperative	9	Notification when subcontractors come out.
20195121	Socorro Electric Cooperative	9	The service is great and people who work there are great, in the past some board of trustees have had some disagreements and if they can get their act together it will be great.
20202571	Socorro Electric Cooperative	9	I would like the option where part of my electricity would be generated from wind combines. I'd like more options for environmentally friendly energy options.
20202655	Socorro Electric Cooperative	9	The landlord shouldn't be able to put the other utilities on the tenant's bill without discussing it with the tenant.

APPENDIX II: CROSS-TABULATIONS AND SURVEY FREQUENCIES

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Q. NH1: Are you the adult in this household who is primarily responsible or shares responsibility for paying the electricity bill? Table 1
 Base: Total Respondents

Socorro Electric Cooperative	Socorro Electric Cooperative													
	All Co-ops	Age			Gender		Length of Membership		Perspective on Relationship			Satisfaction		
		A	18-44	45-64	65+	Male	Female	<=10 yrs	>10 yrs	Member	Owner	Customer	Top 3 Box (8-10)	Bottom 7 Box (1-7)
	B	C	D	E	F	G	H	I	J	K	L	M	N	
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Yes/I am or share responsibility	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No - RESPONDENT NOT AVAILABLE	-	-	-	-	-	-	-	-	-	-	-	-	-	-
No - REFUSED	-	-	-	-	-	-	-	-	-	-	-	-	-	-
No longer a member of this cooperative	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Base: Total Respondents

Q.NH2: Which of the following categories includes your age?

Table 2

		Socorro Electric Cooperative													
		Age			Gender		Length of Membership			Perspective on Relationship			Satisfaction		
		18-44	45-64	65+	Male	Female	<10 yrs	>10 yrs	Member	Owner	Customer	Top 3 Box (8-10)	Bottom 7 Box (1-7)		
Total	All Co-ops	C	D	E	F	G	H	I	J	K	L	M	N		
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	109	
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109	
18 to 34 years old	33	405	35	-	-	21	12	30	8	6	2	28	21	12	
	13.04	8.50	64.71	DE		16.28	9.68	26.85	2.01	8.57	5.00	14.51	14.89	11.01	
35 to 44 years old	18	417	18	-	-	7	11	9	9	4	1	13	9	8	
	7.11	8.76	35.29	DE		5.43	8.87	8.65	6.04	5.71	2.50	6.74	6.38	7.34	
45 to 54 years old	48	868	-	48	-	20	28	17	31	11	4	37	24	24	
	18.97	18.23	42.11	CE		15.50	22.58	14.35	20.83	15.71	10.00	19.17	17.02	22.02	
55 to 64 years old	65	1159	-	66	-	37	29	22	44	20	9	50	37	29	
	26.09	24.34	57.89	CE		28.68	23.39	21.15	29.53	28.57	22.50	25.91	26.24	26.61	
65 or older	87	1992	-	-	87	43	44	26	61	29	24	65	49	36	
	34.39	39.73	100.00	33.33	35.48	25.00	40.94	41.43	60.00	33.60	34.75	33.03			
Refused, but indicated age 18 or older	1	21	-	-	1	-	-	1	-	-	-	1	-	-	
	0.40	0.44	-	-	0.76	-	-	0.67	-	-	-	0.71	-	-	

Table 1

Base: Total Respondents

Q.RH3: Do you view yourself as a member, an owner or a customer of your electric cooperative

Socorro Electric Cooperative														
Socorro Electric Cooperative	All Co-ops	Age			Gender		Length of Membership		Perspective on Relationship			Satisfaction		
		18-44	45-64	65+	Male	Female	<=10 yrs	>10 yrs	Member	Owner	Customer	Top 3 Box (8-10)	Bottom 7 Box (1-7)	
Total A	B	C	D	E	F	G	H	I	J	K	L	M	N	
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	199
Total answering	253	4760	51	114	87	129	124	104	149	70	40	193	141	199
Member	70	1588	10	31	29	35	35	21	49	70	27	21	32	37
	27.67	33.35	19.61	27.19	33.23	27.13	28.23	20.19	32.89	100.00	67.50	10.88	22.70	33.94
Owner	40	731	3	13	24	21	19	12	28	27	40	21	25	13
	15.81	15.35	5.80	11.40	27.39	16.28	15.32	11.54	18.79	38.57	100.00	10.88	17.73	11.93
Customer	193	3238	41	87	60	101	52	88	105	21	21	193	110	82
	76.28	70.10	80.39	76.32	74.71	78.29	74.19	84.62	70.47	30.00	52.50	100.00	78.01	75.23
Don't Know	5	102	-	2	2	1	4	1	4	-	-	-	4	1
	1.98	2.14	-	1.75	2.30	0.78	3.23	0.96	2.68	-	-	-	2.84	0.52

Q.HH3: Do you view yourself as a member, an owner or a customer of your electric cooperative

Table 4

Base: Total Respondents

Socorro Electric Cooperative														
Socorro Electric Cooperative	Total A	All Co-ops B	Age			Gender		Length of Membership		Perspective on Relationship			Satisfaction	
			18-44 C	45-64 D	65+ E	Male F	Female G	<=10 yrs H	>10 yrs I	Member J	Owner K	Customer L	Top 3 Box (8-10) M	Bottom 7 Box (1-7) N
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Member/Owner/Customer	248	4658	51	112	85	128	120	103	145	70	40	193	137	108
	92.88	97.82	100.00	98.25	97.70	98.45	96.77	99.04	97.32	100.00	100.00	100.00	97.16	99.08
Member/Customer	242	4450	50	110	82	126	116	101	141	70	34	193	132	108
	95.65	93.45	98.04	96.49	94.25	97.67	93.55	97.12	94.63	100.00	85.00	100.00	93.62	98.08
Owner/Customer	212	3735	43	94	75	109	103	91	121	34	69	193	121	88
	83.79	78.43	84.31	82.46	86.21	84.50	83.06	87.50	81.21	48.57	100.00	100.00	85.82	80.72
Member/Owner	83	1857	11	34	38	43	40	25	58	70	40	28	44	37
	32.81	39.00	21.57	29.82	43.68	33.33	32.26	24.04	38.93	100.00	100.00	14.51	31.21	33.94
Don't Know	5	102	-	2	2	1	4	1	4	-	-	-	4	1
	1.98	2.14	-	1.75	2.30	0.78	3.23	0.96	2.68	-	-	-	2.84	0.92

Base: Total Respondents

Q.1: Overall SATISFACTION

Table 5

Socorro Electric Cooperative															
Socorro Electric Cooperative	Total A	All Co-ops B	Age			Gender		Length of Membership			Perspective on Relationship			Satisfaction	
			18-44 C	45-64 D	65+ E	Male F	Female G	<=10 yrs H	>10 yrs I	Member J	Owner K	Customer L	Top 3 Box (8-10) M	Bottom 7 Box (1-7) N	
Total respondents	252	4782	51	114	87	129	124	104	149	70	40	193	141	109	
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109	
Top 2 Box (9 to 10)	91	2675	20	40	30	42	49	47	44	17	15	73	91	-	
	35.97	56.17	39.22	35.09	34.48	32.56	39.52	45.19	29.53	24.29	37.50	37.62	64.54	-	
Very satisfied 10	67	1879	11	33	23	31	36	33	34	11	10	53	67	-	
	26.48	39.46	21.57	28.95	26.44	24.03	29.03	31.73	22.82	15.71	25.00	27.46	47.52	-	
9	24	796	9	7	7	11	13	14	10	6	5	20	24	-	
	9.49	16.72	17.65	6.14	8.05	8.53	10.48	13.46	6.71	8.57	12.50	10.36	17.02	-	
8	50	935	10	21	19	30	20	16	34	15	10	37	50	-	
	19.76	19.63	19.61	18.42	21.84	23.26	16.13	15.38	22.82	21.43	25.00	19.17	35.46	-	
7	21	407	9	16	6	16	15	15	16	9	4	24	21	31	
	12.25	8.55	17.65	14.04	6.90	12.40	12.10	14.42	10.74	12.86	10.00	12.44	28.44	M	
6	19	206	3	9	7	4	15	9	10	4	1	17	19	19	
	7.51	4.23	5.87	7.89	8.05	3.10	12.10	8.65	6.71	5.71	2.50	8.81	17.43	M	
Bottom 5 Box (1 to 5)	59	520	8	28	23	35	24	17	42	24	8	41	59	-	
	23.32	10.92	15.69	24.56	26.44	27.13	19.35	16.35	28.19	34.29	20.00	21.24	54.13	M	
Don't Know	3	19	1	-	2	2	1	-	3	1	2	1	-	-	
	1.19	0.40	1.96	-	2.30	1.55	0.81	-	2.01	1.43	5.00	0.52	-	-	
Refused	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Mean	7.39	8.34	7.76	7.28	7.29	7.25	7.53	7.78	7.11	6.65	7.63	7.50	9.12	5.15	
								I		J	J	J	M		

SIGNIFICANCE TESTING AT 95 PERCENT CONFIDENCE LEVEL ON THE FOLLOWING:
 CDE/FG/HI/JKL/MN

Base: Total Respondents

Q.2: How well EXPECTATIONS are met

Table 6

Socorro Electric Cooperative														
Socorro Electric Cooperative	Age				Gender			Length of Membership		Perspective on Relationship			Satisfaction	
	Total A	All Co-ops B	18-44 C	45-64 D	65+ E	Male F	Female G	<=10 yrs H	>10 yrs I	Member J	Owner K	Customer L	Top 3 Box (8-10) M	Bottom 7 Box (1-7) N
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	108
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	108
Top 2 Box (9 to 10)	59	1919	11	29	19	31	28	28	31	10	8	44	55	4
	23.32	40.30	21.57	25.44	21.84	24.03	22.58	26.92	20.81	14.29	20.00	22.80	39.01	3.67
Exceeds your expectations 10	39	1217	7	20	12	20	19	17	22	6	6	28	37	2
	15.42	25.56	13.73	17.54	13.79	15.50	15.32	16.35	14.77	8.57	15.00	14.51	26.24	1.83
9	20	702	4	9	7	11	9	11	9	4	2	16	18	2
	7.91	14.74	7.84	7.89	8.05	8.53	7.26	10.58	6.04	5.71	5.00	8.29	12.77	1.83
8	48	1051	7	25	15	24	24	16	32	15	11	34	46	2
	10.97	22.07	13.73	21.93	17.24	18.60	19.35	15.38	21.48	21.43	27.50	17.62	32.62	1.83
7	24	442	3	9	5	11	13	16	8	4	2	21	12	12
	9.49	9.30	19.61	7.89	5.75	8.53	10.48	15.38	5.37	5.71	5.00	10.88	8.51	11.01
6	21	272	4	10	7	11	10	6	15	7	2	15	6	15
	8.30	5.71	7.84	8.77	8.05	8.53	8.06	5.77	10.07	10.00	5.00	7.77	4.26	13.76
Bottom 5 Box (1 to 5)	87	911	16	37	34	49	38	33	54	29	19	68	15	71
	34.39	19.13	31.37	32.40	39.08	37.98	30.65	31.73	36.24	41.43	32.50	35.23	10.64	65.14
Don't Know	12	156	2	3	7	2	10	4	8	4	3	9	6	4
	4.74	3.28	3.92	2.63	8.05	1.55	8.06	3.85	5.37	5.71	7.50	4.64	4.26	3.67
Refused	2	10	1	1	-	1	1	1	1	1	1	2	1	1
	0.79	0.21	1.96	0.88	-	0.78	0.81	0.96	0.67	1.43	2.50	1.04	0.71	0.92
Mean	6.58	7.69	6.83	6.66	6.30	6.44	6.73	6.80	6.43	5.95	6.64	6.58	8.10	6.88

Q.3: How close to the IDEAL

Table 7

Base: Total Respondents

Socorro Electric Cooperative

	Socorro Electric Cooperative													
	Socorro Electric Cooperative		Age			Gender		Length of Membership		Perspective on Relationship			Satisfaction	
	Total	All Co-ops	18-44	45-64	65+	Male	Female	<=10 yrs	>10 yrs	Member	Owner	Customer	Top 3 Box (8-10)	Bottom 7 Box (1-7)
	A	B	C	D	E	F	G	H	I	J	K	L	M	N
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Top 2 Box (9 to 10)	62	2071	7	33	22	26	36	31	31	9	11	50	58	4
	24.51	43.49	13.73	28.95	25.29	20.16	29.03	29.81	20.01	12.96	27.50	25.91	41.13	3.67
Very close to the ideal 10	43	1424	4	24	15	15	28	21	22	4	6	34	40	3
	17.00	29.90	7.84	21.05	17.24	11.63	22.58	20.19	14.77	5.71	15.00	17.62	28.37	2.75
9	19	647	3	9	7	11	8	10	9	5	5	16	18	1
	7.51	13.59	5.88	7.89	8.05	8.53	6.45	9.62	6.04	7.14	12.50	8.29	12.77	0.92
8	40	959	16	13	10	27	13	20	20	9	5	32	33	7
	15.81	20.14	31.37	11.40	11.49	20.93	10.48	19.23	13.42	12.86	12.50	16.58	23.40	6.42
7	31	506	8	13	10	14	17	11	20	10	8	23	19	12
	12.25	10.63	15.69	11.40	11.49	10.85	13.71	10.58	13.42	14.29	20.00	11.92	13.48	11.01
6	17	244	7	8	2	7	10	8	9	5	1	12	7	10
	6.72	5.12	13.73	7.02	2.30	5.43	8.06	7.69	6.04	7.14	2.50	6.22	4.96	9.17
Bottom 5 Box (1 to 5)	82	715	11	39	32	43	39	30	52	32	11	60	15	66
	32.41	15.01	21.57	34.21	36.78	33.33	31.45	28.85	34.90	45.71	27.50	31.09	10.64	60.55
Don't Know	20	245	2	8	10	11	9	4	16	4	4	16	9	9
	7.91	5.14	3.92	7.02	11.49	8.53	7.26	3.85	10.74	5.71	10.00	8.29	6.38	8.26
Refused	1	22	-	-	1	1	-	-	1	1	-	-	-	1
	0.40	0.46	-	-	1.15	0.78	-	-	0.67	1.43	-	-	-	0.92
Mean	6.59	7.90	6.78	6.59	6.46	6.39	6.80	6.94	6.33	5.58	6.78	6.71	8.02	4.76

Base: Total Respondents

Q.4: Likelihood to CHOOSE AGAIN

Table 8

Socorro Electric Cooperative														
Socorro Electric Cooperative	Total A	All ops B	Age			Gender		Length of Membership		Perspective on Relationship			Satisfaction	
			18-44 C	45-64 D	65+ E	Male F	Female G	<=10 yrs H	>10 yrs I	Member J	Owner K	Customer L	Top 3 Box (8-10) M	Bottom 7 Box (1-7) N
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Top 2 Box (9 to 10)	109	2780	18	53	37	57	52	48	61	28	20	80	92	17
	43.08	58.38	35.29	46.49	42.53	44.19	41.94	46.15	40.94	40.00	50.00	41.45	65.25	15.60
Very likely 10	96	2313	12	50	34	47	49	39	57	24	18	71	80	16
	37.94	48.57	23.53	43.86	39.08	36.43	39.52	37.50	38.26	34.29	45.00	36.79	56.74	14.68
9	13	467	6	3	3	10	3	9	4	4	2	9	12	1
	5.14	9.81	11.76	2.63	3.45	7.75	2.42	8.65	2.68	5.71	5.00	4.66	8.51	0.92
8	34	572	11	13	10	16	18	13	21	9	4	26	26	8
	13.44	12.01	21.57	11.40	11.49	12.40	14.52	12.50	14.09	12.86	10.00	13.47	18.44	7.34
7	18	268	5	7	6	10	8	9	9	4	3	15	7	11
	7.11	5.63	9.80	6.14	6.90	7.75	6.45	8.65	6.04	5.71	7.50	7.77	4.96	10.09
6	9	124	4	3	2	5	4	5	4	2	-	8	2	7
	3.56	2.60	7.84	2.63	2.30	3.88	3.23	4.81	2.68	2.86	-	4.15	1.42	6.42
Bottom 5 Box (1 to 5)	68	731	9	33	26	31	37	24	44	20	7	53	10	57
	26.88	15.35	17.65	28.95	29.89	24.03	29.04	23.08	29.53	28.57	17.50	27.46	7.09	52.29
Don't Know	12	246	3	4	5	7	5	4	8	6	5	9	3	8
	4.74	5.17	5.88	3.51	5.75	5.43	4.03	3.65	5.37	8.57	12.50	4.66	2.13	7.34
Refused	3	41	1	1	1	3	-	1	2	1	1	2	1	1
	1.19	0.86	1.96	0.88	1.15	2.33	-	0.96	1.34	1.43	2.50	1.04	0.71	0.92
Mean	7.32	8.28	7.40	7.33	7.23	7.42	7.22	7.53	7.17	6.98	7.79	7.26	8.85	5.27

Q.5a: AGREE/DISAGREE: Provides reliable service

Table 9

Base: Total Respondents

Socorro Electric Cooperative

Socorro Electric Cooperative	Socorro Electric Cooperative													
			Age			Gender		Length of Membership		Perspective on Relationship			Satisfaction	
Total A	All Co-ops B	18-44 C	45-64 D	65+ E	Male F	Female G	<=10 yrs H	>10 yrs I	Member J	Owner K	Customer L	Top 3 Box (8-10) M	Bottom 7 Box (1-7) N	
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Top 2 Box (9 to 10)	115	3082	23	50	41	62	59	49	66	28	24	87	93	20
	45.45	64.72	45.10	43.86	47.13	48.06	42.74	47.12	44.30	40.00	60.00	45.08	65.96	18.35
Agree strongly 10	82	2260	11	38	33	38	44	34	48	19	17	60	66	14
	32.41	47.46	21.57	33.33	37.93	29.46	35.48	32.69	32.21	27.14	42.50	31.09	46.81	12.84
9	33	822	12	12	8	24	9	15	18	9	7	27	27	6
	13.04	17.26	23.53	10.53	9.20	18.60	7.26	14.42	12.08	12.86	17.50	13.99	19.15	5.50
8	62	811	14	28	20	32	30	26	36	17	9	49	36	26
	24.51	17.03	27.45	24.56	22.99	24.81	24.19	25.00	24.16	24.29	22.50	25.79	25.53	23.85
7	23	301	3	12	8	11	12	9	14	8	-	16	6	17
	9.09	6.32	5.88	10.53	9.20	8.53	9.68	8.65	9.40	11.43	-	8.29	4.26	15.60
6	9	126	3	2	4	4	5	5	4	3	2	9	2	7
	3.56	2.65	5.98	1.75	4.60	3.10	4.03	4.81	2.68	4.29	5.00	4.66	1.42	6.42
Bottom 5 Box (1 to 5)	44	402	8	22	14	20	24	15	29	14	5	32	4	39
	17.39	8.44	15.69	19.30	16.09	15.50	19.35	14.42	18.46	20.00	12.50	16.58	2.84	35.76
Don't Know	-	33	-	-	-	-	-	-	-	-	-	-	-	-
	0.69													
Refused	-	7	-	-	-	-	-	-	-	-	-	-	-	-
	0.15													
Mean	7.88	8.67	7.78	7.80	8.03	7.93	7.83	7.98	7.81	7.61	8.45	7.90	8.95	6.49

Base: Total Respondents

Q.5A: AGREE/DISAGREE: Handles complaints and problems promptly

Table 10

Secorro Electric Cooperative															
	Secorro Electric Cooperative														
	Age					Gender		Length of Membership			Perspective on Relationship			Satisfaction	
	Total A	All Co-op B	18-44 C	45-64 D	65+ E	Male F	Female G	<10 yrs H	10-20 yrs I	>20 yrs J	Member K	Owner L	Customer M	Top 3 Box (8-10) N	Bottom 7 Box (1-7) O
Total respondents	253	4762	51	114	87	129	124	304	149	70	40	193	141	109	
Total answering	253	4762	51	114	87	129	124	304	149	70	40	193	141	109	
Top 2 Box (9 to 10)	91	2697	18	42	30	46	45	37	54	19	19	69	78	12	
	35.97	56.64	35.29	36.84	34.48	35.66	36.29	35.58	36.24	27.14	47.50	35.75	55.32	11.01	
Agree strongly 10	71	1979	14	30	25	33	38	33	39	16	16	52	63	7	
	28.06	41.56	27.45	26.32	29.09	25.58	30.65	31.73	25.50	22.86	40.00	26.94	44.68	6.42	
9	20	718	4	12	4	13	7	4	16	3	3	17	15	5	
	7.91	15.08	7.84	10.53	4.60	10.08	5.65	3.85	10.74	4.29	7.50	8.81	10.64	4.59	
8	49	756	16	20	13	28	21	22	27	10	7	41	33	15	
	19.37	15.88	31.37	17.54	14.94	21.71	16.94	21.15	18.12	14.29	17.50	21.24	23.40	13.76	
7	18	301	4	11	3	9	9	8	10	10	3	9	7	11	
	7.11	6.32	7.84	9.65	3.73	7.26	7.69	6.71	14.29	14.29	7.50	4.66	4.96	10.09	
6	13	149	6	5	2	8	5	8	5	3	1	12	2	21	
	5.14	3.13	11.76	4.39	2.30	6.20	4.03	7.69	3.36	4.29	2.50	6.22	1.42	10.09	
Bottom 5 Box (1 to 5)	65	484	4	32	29	31	34	20	45	24	9	40	10	54	
	25.69	10.16	7.84	28.07	33.33	24.03	27.42	19.23	30.20	34.29	22.50	24.87	7.09	49.54	
Don't Know	16	359	3	4	9	6	10	9	7	3	1	14	11	5	
	6.32	7.54	5.88	3.51	10.34	4.65	8.06	8.63	4.70	4.29	2.50	7.25	7.80	4.59	
Refused	1	16	-	-	1	1	-	-	1	1	-	-	-	1	
	0.40	0.34	-	-	1.15	0.78	-	-	0.67	1.43	-	-	-	0.92	
Mean	7.26	8.46	7.94	7.13	7.00	7.26	7.26	7.46	7.13	6.61	7.69	7.31	8.74	5.43	

Table 11

Base: Total Respondents Q.5A: AGREE/DISAGREE: Has a goal to provide electricity at the lowest possible cost

		Socorro Electric Cooperative													
		Age			Gender		Length of Membership			Perspective on Relationship			Satisfaction		
		Total A	All Co-ops B	18-44 C	45-64 D	65+ E	Male F	Female G	<=10 yrs H	>10 yrs I	Member J	Owner K	Customer L	Top 3 Box (6-10) M	Bottom 7 Box (1-7) N
Total respondents		253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Total answering		253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Top 2 Box (9 to 10)		65	1824	11	27	26	33	32	32	33	17	19	47	59	6
		25.69	38.30	21.57	23.68	29.89	25.58	25.81	30.77	22.15	24.28	47.50 JL	24.25	41.84 N	5.50
Agree strongly 10		50	1322	6	22	22	24	26	25	25	11	15	37	45	5
		19.76	27.76	11.76	19.30	25.29 C	18.60	20.97	24.04	16.78	15.71	37.50 JL	19.17	31.91 N	4.59
9		15	502	5	5	4	9	6	7	8	6	4	10	14	1
		5.93	10.54	9.80	4.39	4.60	6.98	4.84	6.73	5.37	8.57	10.00	5.18	9.93 N	0.92
8		27	754	4	14	9	14	13	6	21	7	4	21	22	5
		10.67	15.83	7.84	12.28	10.34	10.85	10.48	5.77	14.09 H	10.00	10.00	10.88	15.60 N	4.59
7		33	444	12	11	10	21	12	13	20	7	4	27	19	14
		13.04	9.32	23.53 D	9.65	11.98	16.28	2.68	12.50	19.42	10.00	10.00	13.99	13.48	12.84
6		15	251	5	5	4	7	8	11	4	4	-	12	5	10
		5.93	5.27	9.80	5.26	4.60	5.43	6.45	10.58 I	2.68	5.73 K	-	6.22 K	3.55	9.17
Bottom 5 Box (1 to 5)		82	1024	15	42	25	45	37	28	54	31	10	58	15	85
		32.41	21.50	29.41	36.84	28.74	34.88	29.84	26.92	36.24	44.29 KL	25.00	30.05	10.64	59.62 M
Don't Know		31	449	4	14	13	9	22	14	17	4	3	28	21	9
		12.25	9.43	7.84	12.28	14.94	6.98	17.74 F	13.48	11.41	5.71	7.50	14.51 J	14.89	8.26
Refused		-	16	-	-	-	-	-	-	-	-	-	-	-	-
			0.34												
Mean		6.58	7.47	6.51	6.38	6.86	6.53	6.65	6.77	6.45	5.97	7.51 J	6.66	8.15 N	4.79

Base: Total Respondents

Q.5A: AGREE/DISAGREE: Restores power quickly following an outage

Table 12

Socorro Electric Cooperative														
	Socorro Electric Cooperative													
	Age				Gender		Length of Membership		Perspective on Relationship			Satisfaction		
	Total	All Co-ops	18-44	45-64	65+	Male	Female	<=10 yrs	>10 yrs	Member	Owner	Customer	Top 3 Box (8-10)	Bottom 7 Box (1-7)
	A	B	C	D	E	F	G	H	I	J	K	L	M	N
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Top 2 Box (9 to 10)	102	2772	22	45	34	52	50	40	62	27	25	74	75	25
	40.32	58.21	43.14	39.47	39.08	40.31	40.32	38.46	41.61	38.57	62.50	38.34	53.19	22.94
Agree strongly 10	68	2000	13	31	24	31	37	26	42	16	15	51	51	15
	26.88	42.00	25.49	27.19	27.59	24.03	29.84	25.00	28.19	22.86	37.50	26.42	36.17	13.76
9	34	772	9	14	10	21	13	14	20	12	10	23	24	10
	13.44	16.21	17.25	12.28	11.49	16.28	10.48	13.46	13.42	15.71	25.00	11.92	17.02	9.17
8	51	849	7	24	20	30	21	17	34	14	8	42	35	15
	20.16	17.83	13.73	21.05	22.99	23.26	16.94	16.35	22.82	20.00	20.00	22.76	24.82	13.76
7	30	363	7	14	9	15	15	12	18	9	1	22	15	15
	11.86	7.62	13.73	12.28	10.34	11.63	12.10	11.54	12.08	12.86	2.50	11.40	10.64	13.76
6	14	136	5	5	4	5	9	7	7	3	1	11	4	10
	5.53	2.86	9.80	4.39	4.60	3.88	7.26	6.73	4.70	4.29	2.50	5.70	2.84	9.17
Bottom 5 Box (1 to 5)	49	468	9	23	17	23	24	22	27	16	5	38	7	42
	19.37	9.83	17.65	20.18	19.54	17.83	20.97	21.15	18.12	22.86	12.50	19.69	4.96	38.53
Don't Know	6	166	1	3	2	4	2	6	-	-	-	5	4	2
	2.37	3.49	1.96	2.63	2.30	3.10	1.61	5.77	-	-	-	3.11	2.84	1.83
Refused	1	8	-	-	1	-	1	-	1	1	-	-	1	-
	0.40	0.17	-	-	1.15	-	0.81	-	0.67	1.43	-	-	0.71	-
Mean	7.60	8.46	7.66	7.50	7.68	7.72	7.47	7.48	7.68	7.29	8.20	7.58	8.57	6.31

Q.5A: AGREE/DISAGREE: Is doing more to control rising prices than other companies you use

Table 13

Base: Total Respondents

	Socorro Electric Cooperative														
	Socorro Electric Cooperative		Age			Gender		Length of Membership			Perspective on Relationship			Satisfaction	
	Total A	All Co-ops B	18-44 C	45-64 D	65+ E	Male F	Female G	<=10 yrs H	>10 yrs I	Member J	Owner K	Customer L	Top 3 Box (8-10) M	Bottom 7 Box (1-7) N	
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	109	
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109	
Top 2 Box (9 to 10)	61	1466	10	27	23	32	28	27	31	14	14	46	55	6	
	24.11	30.79	19.61	23.68	26.44	25.58	22.58	25.96	22.82	20.00	35.00	23.83	39.01	5.50	
Agree strongly 10	50	1047	8	21	20	27	23	23	27	10	9	37	45	5	
	19.76	21.99	15.69	18.42	22.99	20.93	18.55	18.12	18.12	14.29	22.50	19.17	31.91	4.59	
9	11	419	2	5	5	6	5	4	7	4	5	9	10	1	
	4.35	8.80	3.92	5.26	5.45	4.65	4.03	3.85	4.70	5.71	12.50	4.66	7.09	0.92	
8	28	672	8	9	11	12	16	9	19	6	6	24	21	7	
	11.07	14.11	15.69	7.89	12.64	9.30	12.90	8.65	12.75	8.57	15.00	12.44	14.89	6.42	
7	27	404	9	12	6	17	10	12	15	6	2	20	15	12	
	10.67	8.48	17.65	10.53	6.90	13.18	8.06	11.54	10.07	8.57	5.00	10.36	10.64	11.01	
6	9	198	1	6	2	3	6	4	5	3	-	7	6	3	
	3.56	4.16	1.96	5.26	2.30	2.33	4.84	3.85	3.96	4.29	-	3.63	4.26	2.75	
Bottom 5 Box (1 to 5)	83	1059	17	41	25	44	39	32	51	29	11	62	20	61	
	32.81	22.24	33.33	35.96	28.74	34.11	31.45	30.77	34.29	41.43	27.50	32.12	14.18	56.96	
Don't Know	43	524	6	17	20	18	25	19	24	11	7	32	23	19	
	17.00	19.51	11.76	14.91	22.99	13.95	20.16	15.27	16.11	15.71	17.50	16.58	16.31	17.43	
Refused	2	34	-	2	-	2	-	1	1	1	-	2	1	1	
	0.79	0.71	-	1.75	-	1.55	-	0.86	0.67	1.43	-	1.04	0.71	0.92	
Mean	6.61	7.27	6.62	6.44	6.79	6.52	6.71	6.76	6.51	5.78	7.03	6.69	8.00	4.85	

Base: Total Respondents

Q.5A: AGREE/DISAGREE: Provides a good value for the money you spend

Table 14

Socorro Electric Cooperative															
	Total A	All Co- ops B	Age			Gender		Length of Membership			Perspective on Relationship			Satisfaction	
			18-44 C	45-64 D	65+ E	Male F	Female G	<=10 yrs H	>10 yrs I	Member J	Owner K	Customer L	Top 3 Box (8-10) M	Bottom 7 Box (1-7) N	
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	109	
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109	
Top 2 Box (9 to 10)	88	2153	17	39	31	44	44	44	44	19	19	65	77	10	
	34.78	45.21	33.33	34.21	35.63	34.11	35.48	42.31	29.53	27.14	47.50	33.68	54.61	9.17	
Agree strongly 10	60	1608	7	28	25	26	34	27	33	13	13	42	53	6	
	23.72	33.77	13.73	24.56	28.74	20.16	27.42	25.96	22.15	18.57	32.50	21.76	37.59	5.50	
9	28	545	10	11	6	18	10	17	11	6	6	23	24	4	
	11.07	11.44	19.61	9.65	6.90	13.95	8.06	16.35	7.38	8.57	15.00	11.92	17.02	1.67	
8	40	891	10	19	11	19	21	11	29	12	5	30	29	11	
	15.81	18.71	19.61	16.67	12.64	14.73	16.94	10.98	19.46	17.14	12.50	15.54	20.57	10.09	
7	27	474	7	10	10	14	13	12	15	6	1	23	10	17	
	10.67	9.95	13.73	8.77	11.49	10.85	10.48	11.54	10.07	8.57	2.50	11.92	7.09	15.60	
6	14	264	3	5	6	7	7	7	7	5	2	10	3	11	
	5.53	5.54	5.88	4.39	6.90	5.43	5.65	6.73	4.70	7.14	5.00	5.18	2.13	10.09	
Bottom 5 Box (1 to 5)	77	849	14	39	24	42	35	29	48	27	12	58	16	59	
	30.43	17.83	27.45	34.21	27.59	32.56	28.23	27.08	32.21	38.57	30.00	30.05	11.35	54.15	
Don't Know	7	125	-	2	5	3	4	1	6	1	1	7	6	1	
	2.77	2.62	-	1.75	5.75	2.33	3.23	0.96	4.03	1.43	2.50	3.63	4.26	0.92	
Refused	-	6	-	-	-	-	-	-	-	-	-	-	-	-	
	-	0.13	-	-	-	-	-	-	-	-	-	-	-	-	
Mean	7.02	7.81	7.14	6.90	7.09	6.94	7.10	7.17	6.91	6.33	7.18	7.02	8.41	5.31	

Base: Total Respondents

Q.5A: AGREE/DISAGREE: Looks out for your best interests

Table 25

Secorro Electric Cooperative														
Secorro Electric Cooperative	Age			Gender		Length of Membership		Perspective on Relationship			Satisfaction			
	Total A	All Co-ops B	18-44 C	45-64 D	65+ E	Male F	Female G	<=10 yrs H	>10 yrs I	Member J	Owner K	Customer L	Top 3 Box (8-10) M	Bottom 7 Box (1-7) N
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Top 2 Box (9 to 10)	70	2214	12	32	25	32	38	31	99	16	15	48	64	6
	27.67	46.49	23.53	28.07	28.74	24.61	30.65	29.01	26.17	22.86	37.50	24.87	45.39	5.50
Agree strongly 10	55	1645	8	25	21	25	30	24	31	10	12	38	50	5
	21.74	34.54	15.69	21.93	24.14	19.38	24.19	23.06	20.81	14.29	30.00	19.69	35.46	4.59
9	15	569	4	7	4	7	8	7	8	6	9	10	14	1
	5.93	11.95	7.84	6.14	4.50	5.43	6.45	6.73	5.37	8.57	7.50	5.18	9.93	0.92
8	35	859	10	16	9	22	13	13	22	7	6	33	29	6
	13.83	18.04	19.61	14.04	10.34	17.05	10.48	12.50	14.77	10.00	15.00	17.10	20.57	5.50
7	19	420	7	6	6	10	9	6	13	5	1	16	7	12
	7.51	8.82	13.73	5.26	6.90	7.75	7.26	5.77	8.72	7.14	2.50	8.29	4.96	11.01
6	14	186	7	5	2	9	5	9	5	3	3	11	5	9
	5.53	3.91	13.73	4.39	2.30	6.98	4.03	8.65	3.36	4.29	7.50	5.70	3.55	8.26
Bottom 5 Box (1 to 5)	89	844	14	46	29	46	43	34	55	33	13	64	19	67
	35.18	17.72	27.45	40.35	33.33	35.66	34.68	32.69	36.91	47.14	22.50	33.16	13.48	61.47
Don't Know	25	230	1	9	15	10	15	11	14	5	2	21	16	9
	9.88	4.83	1.96	7.89	17.24	7.75	12.10	10.58	9.40	7.14	5.00	10.88	11.35	8.26
Refused	1	9	-	-	1	-	1	-	1	1	-	-	1	-
	0.40	0.19	-	-	1.15	-	0.81	-	0.67	1.43	-	-	0.71	-
Mean	6.42	7.86	6.68	6.27	6.41	6.40	6.44	6.58	6.31	5.53	6.66	6.52	8.17	4.35

Base: Total Respondents

Q.5A: AGREE/DISAGREE: Helps you learn to manage your electricity usage

Table 16

Socorro Electric Cooperative

	Socorro Electric Cooperative													
	Socorro Electric Cooperative		Age			Gender		Length of Membership		Perspective on Relationship			Satisfaction	
	Total A	All Co-ops B	18-44 C	45-54 D	65+ E	Male F	Female G	<=10 yrs H	>10 yrs I	Member J	Owner K	Customer L	Top 3 Box (8-10) M	Bottom 7 Box (1-7) N
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Top 2 Box (9 to 10)	58	1792	12	29	16	28	30	27	31	12	10	46	49	9
	22.52	37.63	23.53	25.44	18.39	21.71	24.19	25.96	20.81	17.14	25.00	23.83	34.75	8.26
Agree strongly 10	40	1314	7	20	13	18	22	17	23	7	6	32	34	6
	15.81	27.59	13.73	17.54	14.94	13.95	17.74	16.25	15.44	10.00	15.00	16.58	24.11	5.50
9	18	478	5	9	3	10	8	10	8	5	4	14	15	3
	7.11	10.04	9.80	7.89	3.45	7.75	6.45	9.02	5.37	7.14	10.00	7.25	10.64	2.75
8	43	922	10	20	13	24	19	16	27	16	7	31	31	12
	17.00	15.39	19.61	17.54	14.94	18.60	15.32	15.38	18.12	22.86	17.50	16.06	21.99	11.01
7	16	402	4	7	5	7	9	4	12	3	2	12	9	7
	6.32	8.44	7.84	6.14	5.75	5.43	7.26	3.85	8.05	4.29	5.00	6.22	6.38	6.42
6	10	285	6	2	2	6	4	6	4	2	-	9	3	7
	3.95	5.98	11.76	1.75	2.30	4.65	3.23	5.77	2.68	2.86	-	4.66	2.13	5.42
Bottom 5 Box (1 to 5)	103	1169	17	47	39	55	48	44	59	29	13	79	25	66
	40.71	24.55	33.33	41.23	44.83	42.64	38.71	42.31	39.60	41.43	32.50	40.93	24.82	60.55
Don't Know	18	358	1	8	9	7	11	7	11	7	5	13	11	7
	7.11	7.52	1.96	7.02	10.34	5.43	8.87	6.73	7.38	10.00	12.50	6.74	7.80	6.42
Refused	5	23	1	1	3	2	3	-	5	1	3	3	3	1
	1.98	0.48	1.96	0.88	3.45	1.55	2.42	-	3.36	1.43	7.50	1.55	2.13	0.92
Mean	6.14	7.34	6.39	6.15	5.92	5.97	6.33	6.16	6.12	6.23	6.59	6.07	7.30	4.74

Base: Total Respondents

Q.5A: AGREED/DISAGREE: Gives money back to you when revenue exceed costs

Table 17

Socorro Electric Cooperative														
	Total A	All Co- ops B	Age			Gender		Length of Membership		Perspective on Relationship			Satisfaction	
			18-44 C	45-64 D	65+ E	Male F	Female G	<=10 yrs H	>10 yrs I	Member J	Owner K	Customer L	Top 3 Box (8-10) M	Bottom 7 Box (1-7) N
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Top 2 Box (9 to 10)	68	1710	13	33	21	33	35	23	45	15	13	49	60	8
	26.88	35.91	25.49	28.95	24.14	25.58	28.23	22.12	30.20	21.43	32.50	25.39	42.55	7.34
Agree strongly 10	47	1364	7	25	15	20	27	13	34	9	11	33	42	5
	18.58	28.64	13.73	21.93	17.24	15.50	21.77	12.50	22.82	12.86	27.50	17.10	29.79	4.59
9	21	346	6	8	6	13	8	10	11	6	2	16	18	3
	8.30	7.27	11.76	7.02	6.90	10.08	6.45	9.62	7.38	8.57	5.00	8.29	12.77	2.75
8	20	454	4	7	9	8	12	6	14	5	3	16	11	9
	7.91	9.53	7.84	6.14	10.34	6.20	9.68	5.77	9.40	7.14	7.50	9.29	7.80	8.26
7	18	264	5	6	7	13	5	6	12	2	4	18	12	6
	7.11	5.54	9.80	5.26	8.05	10.08	4.03	5.77	8.05	2.86	10.00	8.33	8.51	5.50
6	8	150	2	4	2	4	4	4	4	4	2	4	5	3
	3.16	3.15	3.92	3.51	2.30	3.10	3.23	3.85	2.68	5.71	5.00	2.07	3.55	2.75
Bottom 5 Box (1 to 5)	92	1170	18	46	28	45	47	32	60	34	12	65	27	63
	36.36	24.57	35.29	40.35	32.18	34.88	37.90	30.77	40.27	48.57	30.00	33.68	19.15	57.80
Don't Know	46	988	9	18	19	26	20	33	13	9	6	41	25	20
	18.18	20.75	17.65	15.79	21.84	20.16	16.13	31.73	8.72	12.86	15.00	21.24	17.73	18.35
Refused	1	26	-	-	1	-	1	-	1	1	-	-	1	-
	0.40	0.55	-	-	0.25	-	0.81	-	0.67	1.43	-	-	0.71	-
Mean	6.25	7.11	6.29	6.24	6.19	6.24	6.25	6.04	6.36	5.32	6.71	6.41	7.70	4.49

Table 18

Base: Total Respondents

Q.5A: AGREE/DISAGREE: Is a name you can always trust

Socorro Electric Cooperative

	Socorro Electric Cooperative		Age		Gender		Length of Membership		Perspective on Relationship			Satisfaction		
	Total A	All Co-ops B	18-44 C	45-64 D	65+ E	Male F	Female G	<=10 yrs H	>10 yrs I	Member J	Owner K	Customer L	Top 3 Box (8-10) M	Bottom 7 Box (1-7) N
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Top 2 Box (9 to 10)	104	2805	19	48	36	50	54	45	59	23	20	80	91	13
	41.11	58.90	37.25	42.13	41.38	38.76	43.55	43.27	39.60	32.86	50.00	41.45	64.54	11.93
Agree strongly 10	75	2107	8	37	30	32	43	33	42	15	12	56	65	10
	29.64	44.25	15.69	32.46	34.48	24.81	34.68	31.73	28.19	21.43	30.00	29.02	46.10	9.17
9	29	698	11	11	6	18	11	12	17	8	8	24	26	3
	11.46	14.66	21.57	9.65	6.90	13.95	8.87	11.54	11.41	11.43	20.00	12.44	18.44	2.75
8	26	767	6	12	8	14	12	12	14	6	5	24	20	6
	10.28	16.11	11.76	10.53	9.20	10.85	9.68	11.56	9.40	8.57	12.50	12.44	14.18	5.50
7	33	365	10	12	11	16	17	15	18	7	3	26	15	18
	13.04	7.66	19.61	10.53	12.64	12.40	13.71	14.42	12.08	10.00	7.50	13.47	10.64	16.51
6	8	135	1	4	3	3	5	4	4	3	-	6	3	5
	3.16	2.83	1.96	3.51	3.45	2.33	4.03	3.85	2.68	4.29	-	3.11	2.13	4.59
Bottom 5 Box (1 to 5)	80	594	14	37	29	44	36	26	54	31	12	55	11	64
	31.62	12.47	27.45	32.46	33.33	34.11	29.03	25.00	36.24	44.29	30.00	28.50	7.80	60.55
Don't Know	2	86	1	1	-	2	-	2	-	-	-	2	1	1
	0.79	1.81	1.96	0.88	-	1.55	-	1.92	-	-	-	1.04	0.71	0.92
Refused	-	10	-	-	-	-	-	-	-	-	-	-	-	-
	-	0.22	-	-	-	-	-	-	-	-	-	-	-	-
Mean	7.04	8.39	7.28	7.05	6.85	6.87	7.21	7.37	6.81	6.06	7.08	7.23	8.64	5.09

SIGNIFICANCE TESTING AT 95 PERCENT CONFIDENCE LEVEL ON THE FOLLOWING:
 CDE/FG/HI/JKL/MN

Q.D1: HOW LONG HAVE YOU BEEN A CUSTOMER OF THE COOPERATIVE?

Table 19

Base: Total Respondents

Socorro Electric Cooperative

Socorro Electric Cooperat ive	Total A	All Co- ops B	Age					Gender		Length of Membership		Perspective on Relationship			Satisfaction	
			18-44 C	45-64 D	65+ E	Male F	Female G	<=10 yrs H	>10 yrs I	Member J	Owner K	Customer L	Top 3 Box (8-10) M	Bottom 7 Box (1-7) N		
Total respondents	253	4762	51	114	87	129	124	104	149	70	40	193	141	109		
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109		
0-1 year (2011 - 2012)	15	286	9	4	2	8	7	15	-	3	2	13	12	3		
	5.93	6.01	17.65 DE	3.51	2.20	6.20	5.65	14.42 I		4.29	5.00	6.74	8.51 N	2.75		
2-4 years (2008 - 2010)	34	453	14	15	5	15	19	34	-	5	5	31	18	16		
	13.44	9.51	27.45 DE	13.16	5.75	11.63	15.32	32.69 I		7.14	12.50	16.06 J	12.77	14.68		
5-7 years (2005 - 2007)	24	457	6	7	11	12	12	24	-	5	3	20	11	13		
	9.49	9.60	11.76	6.14	12.64	9.30	9.68	23.08 I		7.14	7.50	10.36	7.80	11.93		
8-10 years (2002 - 2004)	31	417	10	13	8	16	15	31	-	8	2	24	22	9		
	12.25	8.76	19.61	11.40	9.20	12.40	12.10	29.81 I		11.43	5.00	12.44	15.60	8.26		
11-14 years (1998 - 2001)	29	356	6	10	12	18	11	-	29	7	5	23	18	11		
	11.46	7.48	11.76	8.77	13.79	13.95	8.87		19.46 R	10.00	12.50	11.92	12.77	10.09		
15-19 years (1993 - 1997)	21	406	4	10	7	11	10	-	21	7	3	13	9	10		
	8.20	8.53	7.84	8.77	8.05	8.53	8.06		14.09 H	10.00	7.50	6.74	6.38	9.17		
20-24 years (1988 - 1992)	26	456	1	15	10	14	12	-	26	5	3	20	14	12		
	10.28	9.58	1.96	13.16 C	11.49 C	10.45	9.68		17.45 H	8.57	7.50	10.36	9.93	11.01		
25+ years (1987 or earlier)	73	1816	1	40	32	35	38	-	73	28	17	49	37	35		
	28.85	38.14	1.96 C	35.09 C	36.78 C	27.13	30.65		48.99 H	41.43 L	42.50 L	25.39 I	26.24	32.11		
DK/NA/REF	-	115	-	-	-	-	-	-	-	-	-	-	-	-		
		2.41														

Table 20

Base: Total Respondents

Q14: QESTD1

Socorro Electric Cooperative

Socorro Electric Cooperat ive	All Co- ope s	Age			Gender		Length of Membarship			Perspective on Relationship			Satisfaction	
		18-44 C	45-64 D	65+ E	Male F	Female G	<=10 yrs H	>10 yrs I	Member J	Owner K	Customer L	Top 3 Box (8-10) M	Bottom 7 Box (1-7) N	
Total A	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Total answering	253	4762	51	114	87	129	124	104	149	70	40	193	141	109
Male	129	2328	28	57	43	129	-	51	78	35	21	101	72	55
	50.99	48.89	54.90	50.00	49.43	100.00		49.04	52.35	50.00	52.50	52.33	51.06	50.46
Female	124	2434	23	57	44	-	124	53	71	35	19	92	69	54
	49.01	51.11	45.10	50.00	50.57		100.00	50.96	47.65	50.00	47.50	47.67	48.94	49.54



CITY OF SOCORRO

RAVI BHASKER
MAYOR

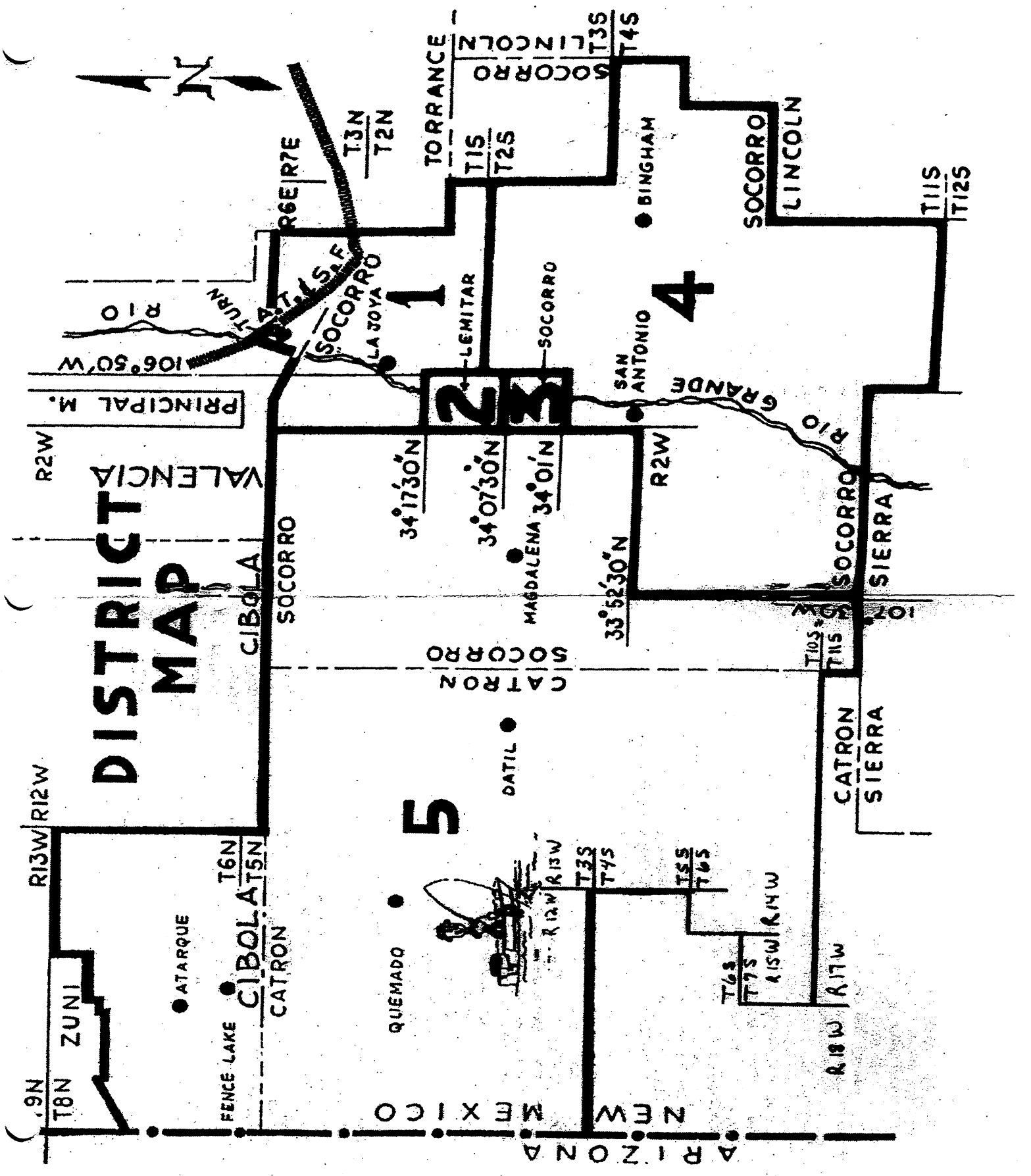
111 SCHOOL OF MINES ROAD
P.O. DRAWER K
SOCORRO, NEW MEXICO 87801
PHONE: (575) 835-0240
FAX: (575) 838-4027

GEORGE PATRICK SALOME, JR.
CITY CLERK

36

Attached is information pertaining to SEC voting districts that clearly eliminates SEC owners (within the City limits) from being able to elect the number of Board members in a ratio equal to population and usage i.e. the City residents are split into three separate voting districts.

DISTRICT MAP



VALENCIA

CIBOLA

SOCORRO

CATRON

CATRON
SIERRA

R13W R12W

ZUNI

● ATARQUE

FENCE LAKE ● CIBOLA T6N AT5N

CATRON

QUEMADO ●

● DATIL

MAGDALENA 34°01'N

34°07'30" N

34°17'30" N

33°52'30" N

R2W

SOCORRO

SIERRA

GRANDE R10

SAN ANTONIO ●

4

LEMITAR

SOCORRO

SOCORRO
LA JOYA

1

R6E R7E

T3N
T2N

TORRANCE

T15
T25

SOCORRO
LINCOLN
T35
T45

● BINGHAM

SOCORRO
LINCOLN

T11S
T12S

R19N

T8N

FENCE LAKE

ARIZONA
NEW MEXICO

R18W R17W

T6S
T7S

R15W R14W

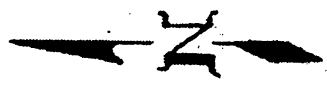
R18W R17W

T3S
T4S

T5S
T6S

R12W R13W

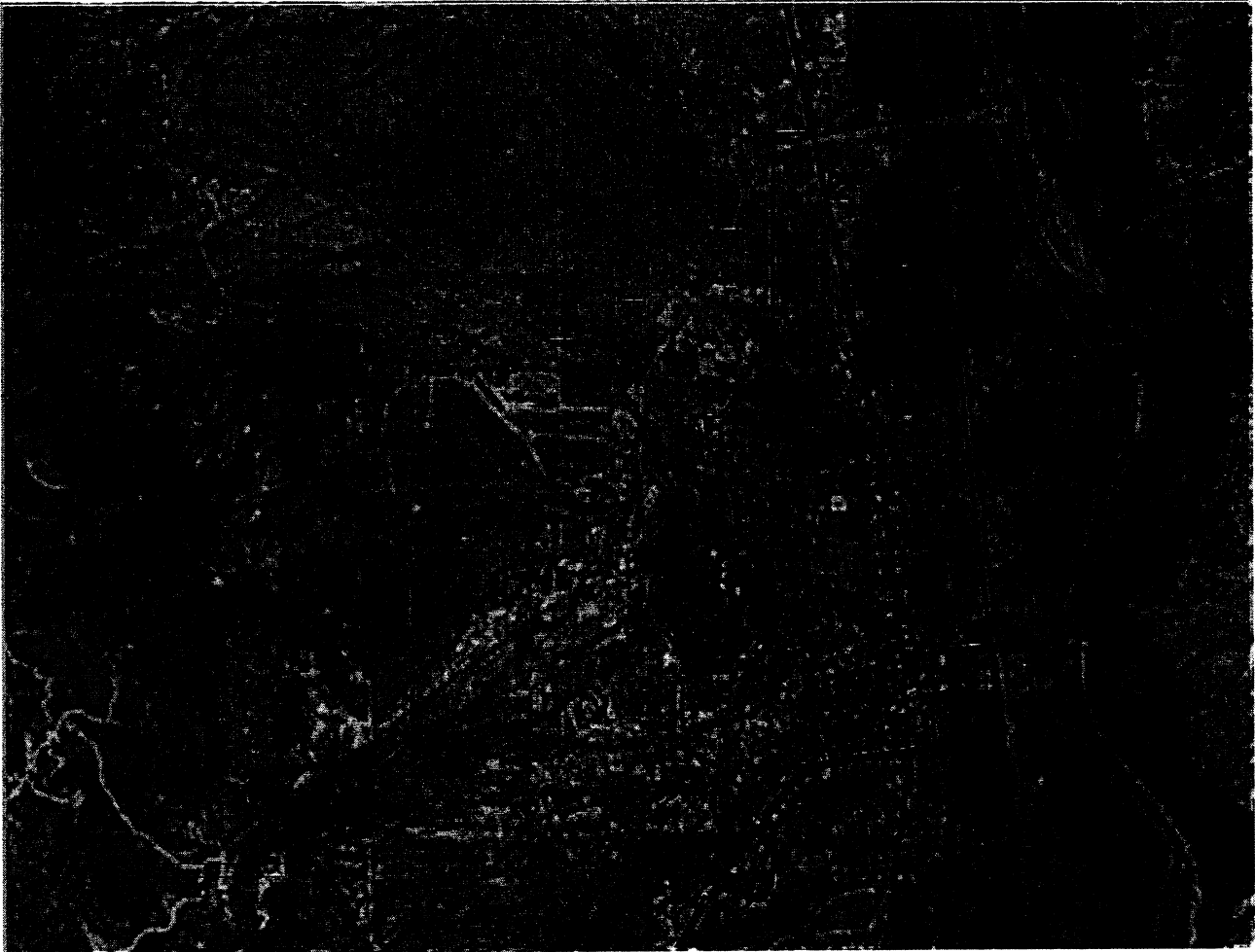
T10S
T11S



SEC Member Approved Board Districts 2012

Details

Legend



SOCORRO ELECTRIC COOPERATIVE

Who Wants a Lose-Lose Deal?

Dear Co-op Members,

Citing unfounded criticism of Socorro Electric Cooperative rates and service, the Socorro City Council recently voted to conduct a feasibility study about taking over electric service from the co-op, a move called "municipalization." The council's move risks a double disaster for any city resident who pays an electric bill. But for the time being, until the City takes action directly threatening the co-op, we're preparing to block the City's possible attempt at a takeover but there's no need for us to take direct action yet.

For Socorro, municipalization is a bad idea because it will cost both city taxpayers and co-op ratepayers vast sums of money unnecessarily, with no return in improved service or reduced rates. The City is heading down an expensive and distracting path. Their action illustrates the dangers of dumbing-down a technically complex issue in a political arena without understanding the far-reaching consequences for everyday folks.

There's a better way to work out our differences. SEC currently operates in Socorro under an expired franchise agreement giving the co-op the right of way for its lines, poles, substations, transformers, and equipment to deliver power to homes and business across town. Since last year, SEC has sought a meeting with Mayor Ravi Bhasker to negotiate renewing the franchise agreement, which both still honor. Unfortunately, the Mayor has said he prefers the open forum of Council meetings with its audience of supporters.

If the City continues on its present course, expect years of expensive legal wrangling. If the co-op refuses to sell, the City has suggested it could condemn co-op assets in the city through eminent domain. However, the legal basis of that is unclear and untested. Get ready to pay more legal fees. And experience shows the co-op is likely to end up continuing to serve City customers.

The truth is, rates for Socorro customers would go up because buying the assets would cost the City many millions and the municipal utility would have fewer customers to share costs of operation. Unfortunately, rates would similarly rise for the rural customers remaining in the co-op. The truth is, SEC rates, which only cover our cost of operations without profit, are fair, reasonable, and on par with other rural cooperatives in the state.



Your Touchstone Energy® Cooperative

The power of human connections®



SOCORRO ELECTRIC COOPERATIVE

And here's the final catch: nearly all SEC ratepayers in the City of Socorro are also taxpayers in town. If you're a city resident with an SEC account for electric service, you that means you'll pay for lawyers on both sides to fight each other over the right to sell you power. Rural customers outside the City will also have to pay to defend the integrity of their co-op and fend off a rise in rates due to a municipal takeover. It's a lose-lose deal for everyone except the lawyers. Ask the City to stop.

We'll keep in touch as this issue develops. We always encourage you to bring your questions to us and, remember, the district meetings in October and November are a great opportunity for you to get involved.

Sincerely,
Anne Dorough
President & District V Trustee



Your Touchstone Energy[®] Cooperative
The power of human connections[®]



Letters to the Editor (07/17/14)

by Staff | July 17, 2014 | Filed under: Opinion

Preserve public lands for future generations

Citing unfounded criticism of Socorro Electric Cooperative rates and service, the Socorro city Council recently voted to conduct a feasibility study about taking over electric service from the co-op, a move called "municipalization."

The council's move risks a double disaster for any city resident who pays an electric bill. But for the time being, until the city takes action directly threatening the co-op, we're preparing to block the city's possible attempt at a takeover, but there's no need for us to take direct action yet.

For Socorro, "municipalization" is a bad idea because it will cost both city taxpayers and co-op ratepayers vast sums of money unnecessarily, with no return in improved service or reduced rates. The city is heading down an expensive and distracting path. Their action illustrates the dangers of dumbing down a technically-complex issue in a political arena without understanding the far-reaching consequences for everyday folks.

There's a better way to work out our differences. SEC currently operates in Socorro under an expired franchise agreement giving the co-op the right of way for its lines, poles, substations, transformers and equipment to deliver power to homes and business across town. Since last year, SEC has sought a meeting with Mayor Ravi Bhasker to negotiate renewing the franchise agreement, which both still honor. Unfortunately, the mayor has said he prefers the open forum council meetings with its audience of supporters.

If the city continues on its present course, expect years of expensive legal wrangling. If the co-op refuses to sell, the city has suggested it could condemn co-op assets in the city through eminent domain. However, the legal basis of that is unclear and untested. Get ready to pay more legal fees. And experience shows the co-op is likely to end up continuing to serve city customers.

The truth is, rates for Socorro customers would go up because buying the assets would cost the city many millions and the municipal utility would have fewer customers to share costs of operation. Unfortunately, rates would similarly rise for the rural customers remaining in the co-op. SEC rates, which only cover our cost of operations without profit, are fair, reasonable, and on par with other rural cooperatives in the state.

And here's the final catch: nearly all SEC ratepayers in the city of Socorro are also taxpayers in town. city residents with an SEC account for electric service would pay for lawyers on both sides to fight each other over the right to sell them power. Rural customers outside the city will also have to pay to defend the integrity of their co-op and fend off a rise in rates due to a municipal takeover. It's a lose-lose deal for everyone except the lawyers. The city should stop.

We will keep in touch with our co-op members as this issue develops. We encourage them to bring their questions to us. Our district meetings in October and November are a great opportunity to get involved.

Sincerely,

Anne L. Dorough

Socorro Electric Cooperative President & District V Trustee

Letters to the Editor (07/24/14)

by Staff | July 24, 2014 | Filed under: Opinion

Co-op takeover costly, bad idea

Citing unfounded criticism of Socorro Electric Cooperative rates and service, the Socorro city Council recently voted to conduct a feasibility study about taking over electric service from the co-op, a move called "municipalization."

The council's move risks a double disaster for any city resident who pays an electric bill. But for the time being, until the city takes action directly threatening the co-op, we're preparing to block the city's possible attempt at a takeover, but there's no need for us to take direct action yet.

For Socorro, "municipalization" is a bad idea because it will cost both city taxpayers and co-op ratepayers vast sums of money unnecessarily, with no return in improved service or reduced rates.

The city is heading down an expensive and distracting path. Their action illustrates the dangers of dumbing down a technically-complex issue in a political arena without understanding the far-reaching consequences for everyday folks.

There's a better way to work out our differences. SEC currently operates in Socorro under an expired franchise agreement giving the co-op the right of way for its lines, poles, substations, transformers and equipment to deliver power to homes and business across town.

Since last year, SEC has sought a meeting with Mayor Ravi Bhasker to negotiate renewing the franchise agreement, which both still honor. Unfortunately, the mayor has said he prefers the open forum council meetings with its audience of supporters.

If the city continues on its present course, expect years of expensive legal wrangling. If the co-op refuses to sell, the city has suggested it could condemn co-op assets in the city through eminent domain.

However, the legal basis of that is unclear and untested. Get ready to pay more legal fees.

And experience shows the co-op is likely to end up continuing to serve city customers.

The truth is, rates for Socorro customers would go up because buying the assets would cost the city many millions and the municipal utility would have fewer customers to share costs of operation.

Unfortunately, rates would similarly rise for the rural customers remaining in the co-op. SEC rates, which only cover our cost of operations without profit, are fair, reasonable, and on par with other rural cooperatives in the state.

And here's the final catch: nearly all SEC ratepayers in the city of Socorro are also taxpayers in town. City residents with an SEC account for electric service would pay for lawyers on both sides to fight each other over the right to sell them power.

Rural customers outside the city will also have to pay to defend the integrity of their co-op and fend off a rise in rates due to a municipal takeover. It's a lose-lose deal for everyone except the lawyers. The city should stop.

We will keep in touch with our co-op members as this issue develops. We encourage them to bring their questions to us. Our district meetings in October and November are a great opportunity to get involved.

Sincerely,

Anne L. Dorough

Socorro Electric Cooperative

President & District V Trustee

A

Dear City of Socorro Resident,

Many of you have already heard that the City of Socorro is investigating the possibility of acquiring the assets of Socorro Electric Cooperative (SEC) within the City limits and other allowable areas. Should this acquisition take place, the City of Socorro would purchase the assets of the Socorro Electric Cooperative with the intent to provide electricity in a manner that would:

- Improve the overall quality of electric utility service.
- Lower the cost of electric rates in this area.
- Improve customer/community relations between local residents and the local authority.
- Create an electric utility who strives for policies and procedures that are fair to both the residents and the utility.

The proposed acquisition by the City is predicated on concerns brought to the attention of the City Administration and the City Council by local residents regarding SEC operations, policies, procedures and acquisition.

At the City Council meeting of July 21, 2014, the Socorro City Council passed Resolution No. 14-07-21 (enclosed), outlining the conditions that have lead to the City's involvement in this potential acquisition.

Below are a few of the concerns regarding SEC operations under the current management:

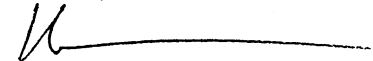
1. Utility costs are approximately 25% higher than other communities. 600KW of residential electricity in Socorro costs consumers approximately \$102.99.
 - o The same amount of electricity in other areas is as follows:

▪ Belen	\$74.44
▪ Los Lunas	\$74.27
▪ Grants	\$76.87
▪ Espanola	\$68.13
2. Monthly legal expenses for the SEC operations for the previous 18 months are approximately 3 times that of the City's monthly legal expenses yet the City operates 16 departments four of which are utilities and has approximately 100 more employees than the SEC.
3. Since 2011, the Socorro Electric Cooperative has experienced an alarming employee turnover rate that creates a reduction in institutional knowledge as well as indicates unstable management practices.

Attach please find a letter that has been sent to SEC Board President, Ms. Anne Dorough, explaining that the process can be a very simple one, even though Ms. Dorough (in written correspondence) makes it appear complicated and expensive. The transition can happen with very little cost to both the SEC members and the tax payers. In order to make this cost effective, the member/owners of the SEC should be given the opportunity to vote on the issue with the results of the vote honored by both the City Council and the SEC Board of Trustees. This approach is not only inexpensive but also fair to you the member/owners of the SEC.

This matter is not about cooperatives in general, but rather, the governance of this particular cooperative and the lack of desire of the Board of Trustees and current management to include the member/owners in decisions regarding the SEC operations.

Sincerely,



Navi Bhasker, Mayor
City of Socorro

July 28, 2014

(B)

Mrs. Dorough, Board President
Socorro Electric Cooperative
PO Box H
Socorro, NM 87801

Dear Mrs. Dorough,

I read with great interest your July 17, 2014 letter to the editor as well as the letter you recently distributed to all co-op members. It seems that the general theme of both of these letters surrounds, as you state, "the vast sum of money" and minimal benefits associated with a municipal acquisition of Socorro Electric Cooperative (SEC) assets. Please let me remind you that this potential takeover is not of a hostile nature, but rather a response to concerns brought forth by numerous co-op members. Additionally, a careful reading of your written statements suggests how removed you are from both the sentiments of the members and operations of the co-op. In a KOB-TV interview (May 22, 2014), the Chairman of the PRC made the following statement regarding the Socorro Electric Cooperative:

Ben Hall, a PRC commissioner, said he questions SEC's business practices. He said the SEC is the only electric cooperative in his district that's generated consumer complaints. Sometimes, he said he receives one complaint every week.

Despite his concern, he said the PRC can only regulate an electric cooperative's rates, not its politics.

"The PRC's hands are kind of tied when it comes to co-ops," Hall said.

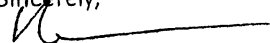
As for the current matter at hand (Foard), he said the SEC does not appear to be listening to its membership on the whole.

Our response to all operational matters pertaining to the SEC has been to maintain the "status quo" by simply requesting to negotiate a franchise agreement with the City and otherwise refusing to be accountable for the current status of co-op operations.

It should be understood by all parties that the acquisition of SEC assets by the City can be done in a very simple, efficient and inexpensive manner. Should co-op members, by virtue of their ownership in co-op assets, be included in the decision process, the SEC members and City tax payers (in many cases one in the same) will avoid any and all fees and expenses associated with a disputed and contested legal process. It is my contention that co-op members should be given the opportunity to voice their opinion regarding municipal acquisition. I would hope the board and management of the SEC, in accordance with co-op principles, would include the member/owners in this very important process. By allowing the owners to voice their opinion and exercise their right of ownership, both co-op members and tax payers can avoid the unnecessary expense of a disputed acquisition process.

Please understand that should the member/owners of the SEC choose to support the current operations of the SEC as opposed to a municipal acquisition, the City will honor their wishes and resume franchise agreement discussions with the SEC. However, you should also be aware that should the co-op member/owners choose an alternative to what is now being provided by the current board and management of the co-op, the City fully intends to follow through with the acquisition. While serving as Mayor since 1990, I have witnessed first hand what a well-run co-op can mean to a rural community such as Socorro so please understand that this matter is not about, or intended to be about, co-ops in general, but rather the governance of this particular organization.

Sincerely,


Ravi Bhasker, Mayor
City of Socorro

Socorro City Councilors
SEC Board Members
City of Socorro Utility Customers

City of Socorro
Regular Scheduled City Council Meeting
February 19, 2013

Mayor Ravi Bhasker called the meeting to order. Stephanie Saavedra, in the absence of Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Mary Ann Chavez-Lopez, Councilor Nick Fleming, Councilor Ernest Pargas and Councilor Toby Jaramillo. Councilor Peter Romero, Councilor Gordy Hicks, Councilor Donald Monette and Councilor Michael Olguin were absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF FEBRUARY 19, 2013 CITY COUNCIL MEETING AGENDA

Councilor Fleming made a motion to approve the agenda as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. February 4, 2013

Councilor Jaramillo made a motion to approve the minutes as presented. Seconded by Councilor Pargas, motion passed unanimously.

PUBLIC FORUM

Charlene West stated that the Socorro Electric Cooperative Board of Trustees has decided to have their annual meeting on May 18th at Finley Gym. Ms. West stated that she feels the meeting should not be held at Finley Gym because the venue is too small, has no parking and has no air conditioning. Ms. West stated that she would like the City to tell the Board of Trustees that they cannot hold their meeting at Finley Gym. Mayor Bhasker stated that the Board of Trustees requested the use of Finley Gym and that the City approved the request. Mayor Bhasker agreed that the venue does have some deficiencies which have been pointed out to the SEC Administration. Mayor Bhasker stated that the City rents Finley Gym for revenue purposes and that it is equally available to all. Mayor Bhasker stated that the Fire Chief determined the occupancy for Finley Gym as 924 persons and Macey Center as 616 persons. Joe Gonzales, Fire Chief, explained how the Fire Department determines occupancy. Mayor Bhasker stated that the City also has some issues to address with the Socorro Electric Cooperative regarding the expired franchise agreement. Ms. West thanked the Mayor and Council for their time.

Rob Lopez, a resident of Giles Lane, stated that his neighbor (Steve Romero) is dumping truckloads of manure (mixed with what he believes to be dead animals) on his (Mr. Romero's) property for several weeks and the smell is unbearable. Mr. Lopez stated that he has contacted both the City and the Environmental Protection Agency and is being told that there is nothing that can be done as the property is zoned agricultural. Mr. Lopez stated that he has contacted an attorney regarding the matter and was told that he could "sue" the neighbor but stated that he does not have the funds to do so. George Van Winkle, Police Chief, stated that officers have been in the area hoping to meet with one of the truck drivers but have been unable to make contact. Mike Czosnek, Building Inspector, stated that the City's Zoning Code does not address the specifics of this matter. Mayor Bhasker asked Mr. Czosnek to meet with Chief Van Winkle to see if there is anything that the property owner can be cited for. Mr. Czosnek stated that he would also try to make contact with the property owner.

Charles Wagner stated that he feels the Socorro Electric Cooperative Board of Trustees want to have their meeting at Finley Gym to discourage members from attending the meeting. Mr. Wagner stated that the Board of Trustees sued the members because they did not want to comply with the Open Meetings Act or the Inspection of Public Records Act and they lost the lawsuit. Mr. Wagner stated that he would like to meet with the Mayor regarding the "political aspects" of the matters concerning the Socorro Electric Cooperative Board of Trustees and what they are doing. Mayor Bhasker stated that the City would try to make the venue as inviting as possible for the members on the day of the meeting. Mayor Bhasker stated that the City gives the Socorro Electric Cooperative a franchise agreement and if the City and the Co-Op cannot come to terms on a new agreement, the City can bid for electric services. Mayor Bhasker stated that there can be language placed in the new franchise agreement so that the Co-Op would have to release certain information to the City and the information, once received by the City, would then become public information.

City of Socorro
Regular Scheduled City Council Meeting
February 19, 2013

DISCUSSION AND DELIBERATION

a. Festival of the Cranes Update

Michael Hanauer, Festival of the Cranes Coordinator, provided a handout to the Mayor and City Council and gave a brief update of the 2012 Festival of the Cranes 25th Anniversary event. Mr. Hanauer thanked the City for supporting the event annually with Lodger's Tax funds. Mr. Hanauer stated that the City provided \$10,000 in 2012 and that he would be asking for \$25,000 for 2013. Mayor Bhasker asked Mr. Hanauer to provide a breakdown of how the \$10,000 provided by the City was distributed. Mayor Bhasker thanked Mr. Hanauer for reporting on the event.

b. Final Acceptance of JO Gallegos Road Reconstruction Project – Dennis Engineering

Steve Williams, with Dennis Engineering, stated that all work on the JO Gallegos Road Reconstruction Project has been completed and recommended that the City accept the project as complete and issue final payment to Albuquerque Asphalt in the amount of \$337,163.53. Mr. Williams reviewed the construction and engineering costs as well as how the project was funded (MAP, Co-Op, local funds). Mayor Bhasker stated that there is one small piece of JO Gallegos Road to finish and then the entire project will be complete.

Councilor Chavez-Lopez made a motion to accept the project as complete and issue final payment to Albuquerque Asphalt in the amount of \$337,163.53. Seconded by Councilor Pargas, motion passed unanimously.

c. Task Order 13-01 – Water Meter Upgrade Project – Dennis Engineering

Mr. Williams presented Task Order 13-01 for the Water Meter Upgrade Project. Mr. Williams stated the City will be upgrading approximately 3,000 water meters through a New Mexico Environment Department-Drinking Water Bureau agreement. Mr. Williams stated that Dennis Engineering will provide oversight of the project (as requested by NMED) mainly for proper documentation of the project. Mr. Williams stated that Dennis Engineering will bill on an hourly basis up to the task order amount of \$26,859.00.

Councilor Jaramillo made a motion to approve Task Order 13-01 for the Water Meter Upgrade Project. Seconded by Councilor Pargas, motion passed unanimously.

d. Task Order 13-02 – Water Line Replacement Project – Dennis Engineering

Mr. Williams presented Task Order 13-02 for the Water Line Replacement Project. Mr. Williams stated that the City will be replacing approximately 20,000 feet of water line through a New Mexico Environment Department-Drinking Water Bureau agreement. Mr. Williams stated that the water lines that will be replaced start at Evergreen Tank and run through the NM Tech and Michigan Avenue areas. Mr. Williams stated that Dennis Engineering will provide design, bidding services, negotiations and award services and construction management oversight for the project. Mr. Williams stated that the amount of the task order is \$161,187.00. Mayor Bhasker stated that the upgrade will not result in a water rate increase for residents.

Councilor Fleming made a motion to approve Task Order 13-02 for the Water Line Replacement Project. Seconded by Councilor Pargas, motion passed unanimously.

e. Resolution No. 13-02-19 – 2013-2014 MAP Project

Mayor Bhasker presented Resolution No. 13-02-19 which, if approved, allows the City to prepare and submit an application to the New Mexico Department of Transportation for 2013-2014 Municipal Arterial Program (MAP) funds. Mayor Bhasker stated that if received, the funding will be used for the final completion of street and drainage improvements to JO Gallegos Road.

Councilor Jaramillo made a motion to approve Resolution No. 13-02-19. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

City of Socorro
Regular Scheduled City Council Meeting
February 19, 2013

f. Budget Resolutions

1. No. 7 – Sedillo Park Renovation Fund

Resources are Transfer from General Fund – Requirements are Repair and System Maintenance – Amount is \$15,000 – The increase is needed to allow for expenditures to June 30, 2013.

2. No. 8 – Recreation Fund

Resources are Transfer from General Fund – Requirements are Building Maintenance – Amount is \$25,000 - The increase is needed to allow for expenditures to June 30, 2013.

3. No. 9 – Juvenile Justice Grant Fund

Resources are Juvenile Justice Grant – Requirements are Professional Planning – Amount is \$30,000 – The increase is needed to allow for the grant award.

Councilor Fleming made a motion to approve Budget Resolutions 7, 8 and 9. Seconded by Councilor Jaramillo, motion passed unanimously.

COMMITTEE REPORTS

Councilor Pargas stated that the Mayor's Drug Task Force had a training session with the New Mexico Department of Health on how to conduct syringe exchange and how to administer Narcan. Councilor Pargas stated that Officer Gilbert Padilla from the City's Police Department attended the training.

Mayor Bhasker stated that he would like to appoint Yvonne Malone to the Mayor's Drug Task Force. Councilor Pargas made a motion to approve Mayor Bhasker's appointment of Yvonne Malone to the Mayor's Drug Task Force. Seconded by Councilor Jaramillo, motion passed unanimously.

DEPARTMENT DIRECTOR REPORTS

Mable Gonzales, Finance Director, stated that the Budget Committee will start to meet on Tuesdays to start developing the FY 13-14 budget. Ms. Gonzales stated that the Finance Department has been working on the loans/agreements for various City projects. Ms. Gonzales stated that the City has applied for a loan with the New Mexico Finance Authority for the rodeo arena. Ms. Gonzales stated that the City will be applying for funding through NMED for the Wastewater Expansion Project on Hope Farm Road. Ms. Gonzales stated that she has been meeting with Department Heads to review the current budget and expenditures through June 30th.

George Van Winkle, Police Chief, provided a handout to the Mayor and Council of Police Department stats from January 2013 (83 arrests, 234 citations, 6 DWI arrests, 265 police reports filed, 17 traffic accidents, 9,301 calls received by dispatch, etc.).

Joe Gonzales, Fire Chief, provided a handout to the Mayor and Council of Fire Department stats from January 2013 (181 ambulance runs, 16 fire calls, etc.). Chief Gonzales reminded the public that the Fire Department does various other public services such as building inspections and occupancy determinations. Chief Gonzales stated that call volume increased for January.

Michael Lucero, Sanitation/Landfill/Recycling Director, stated that crews have finished hauling material for the new cell at the landfill. Mr. Lucero stated that the final survey of the new cell will be done and then the City will await NMED's approval. Mr. Lucero stated that crews have been working on litter control as it has been very windy recently. Mr. Lucero stated that operations are running properly in the Solid Waste and Recycling departments.

Pauline Taylor, Wastewater Superintendent, stated that all of the SBR's are running properly. Ms. Taylor stated that there have been some technical issues with the bar screen. Ms. Taylor stated that crews are currently working on digester #2.

Jay Santillanes, Division Director, stated that Street Department is preparing to chip seal and stripe several City streets. Mr. Santillanes stated that the Gas Department is currently replacing natural gas lines in the alleys in the School of Mines Road/Neel Street/Fitch Street area. Mr. Santillanes stated that the Corps. of Engineers will be conducting an inspection on March 7th and 8th. Mr. Santillanes stated that the Corps. of Engineers and Fish & Wildlife have come to an agreement and the Rio Grande Levy project has been authorized.

City of Socorro
Regular Scheduled City Council Meeting
February 19, 2013

Jennifer Gonzales, Tourism Director, stated that there are several upcoming events including City of Socorro Running Series (April 6th), Cinco de Mayo Yard Sale and Celebration (May 4th) and City of Socorro Dance Series (July 19th and the third Friday of each month thereafter). Ms. Gonzales stated that she will be applying for the next cycle of a tourism grant. Ms. Gonzales stated that she will have a job opening in the Tourism Department.

Paula Mertz, Library Director, stated that the Friends of the Library recently had their annual meeting and program. Ms. Mertz stated that during the meeting, new officers were elected and that approximately 50 people attended the meeting. Ms. Mertz stated that five library employees are currently taking online seminars. Ms. Mertz stated that the library recently received the second payment (\$2,800.00) of the State Grant in Aid.

Mike Czosnek, Building Inspector, stated that in regards to the odor issue discussed during public forum, he has been getting calls and trying to determine the origin of the smell for a couple of weeks. Mr. Czosnek stated that he has not heard back from FEMA regarding the levy certification but that the 90-day time limit for their response is approaching. Mr. Czosnek stated that FEMA has not requested any additional information. Mr. Czosnek stated that he asked the Street Department for a price for demolition of a house on Bagley Street. Mr. Czosnek stated that the funds available for condemnation purposes are low and in order for him to proceed with condemnations properly, there has to be funds available.

NEW BUSINESS

None.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. Police Officer Recognition

Mayor Bhasker stated that several of the City's police officers voluntarily took, and completed, a Writing Review Class. Mayor Bhasker congratulated Luis Chavez, Victor Chavez, Clinton Martinez, Justin Gonzales, Richard Lopez, Matthew Lyon and Amanda Vega for successfully completing the class. Mayor Bhasker stated that these employees stand out in the department for showing their desire to improve their skills as a police officer. Mayor Bhasker stated that these employees will be rewarded to with two days of comp time. Councilor Pargas suggested that another training class that might be helpful would be a public relations class.

b. Reporting on Personnel Changes

Councilor Jaramillo motioned to approve the personnel changes as read by Mayor Bhasker:

Kristen Beers – 3-1-13 – Tourism – Resignation

Rebecca Gonzales – 2-19-13 – Police – New Hire (Police Officer) – A-35

Alfredo Garcia – 2-20-13 – Police- Completed Probation – A-35 to A-37

Temporary New Hires: Mark Pacheco, Mayra Acosta, Oscar Acosta Jr.

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Richie Chavez, Bert Padilla, Regina Valencia, Dolores Medina, Malcolm Peralta, Napoleon Casey, Elias Jacquez, Paul Marquez, Chris Perez, Brandon Torres, Trinie Romero

Student Workers: Malcolm Ruff-Tafoya, Angelica Estrada, Sergio Cuevas

Concession/Referees/Scorekeepers: Ashton Monette, Maria Alderete, Tamera Chavez, Giovanna Rosas, Chuck Ngo, Adam Paz, Dylan Gallegos, Maudie Mauldin, Evan Grain, Joseph Jaramillo, Tanya Pyke, Anthony Lukesh, Roxanne Silva

Seconded by Councilor Fleming, motion passed unanimously.

City of Socorro
Regular Scheduled City Council Meeting
February 19, 2013

c. Business Registrations

Councilor Jaramillo motioned to approve the business registrations as read by Mayor Bhasker:

ProSteel Inc. – Out of Town – Belen, NM – WT Harris – General Contractor
PM Services – Out of Town – Grand Saline, TX – Charles Clower – Repair/Service of Recycling Equipment
Seafood y Carnitas – C-2 – 338 N. 6th Street – Aurelio Torres-Rodriguez – Seafood y Carnitas
The Works – C-2 – 104 Meek Street – Oscar Martinez – Wholesale Auto
Birthright of Socorro – C-2 – 203 Manzanares Ave. #16 – Joyce Aguilar, President – Pregnancy Service Center

Seconded by Councilor Fleming, motion passed unanimously. Councilor Hicks abstained.

d. Voucher Run

Councilor Fleming made a motion to approve vouchers 125113 to 125445 in the amount of \$774,855.27, plus Payroll Transfers (\$283,478.49), for a total of \$1,058,333.76. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

e. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on March 4, 2013 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 7:37 p.m., Councilor Fleming motioned to adjourn. Seconded by Councilor Jaramillo, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

Ravi Bhasker, Mayor

ATTEST:

Pat Salome, City Clerk

City of Socorro
Regular City Council Meeting
April 1, 2013

Mayor Pro-Tem Donald Monette called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Pro-Tem Donald Monette, Councilor Toby Jaramillo, Councilor Peter Romero, Councilor Ernest Pargas, Councilor Nick Fleming, Councilor Gordy Hicks and Councilor Mary Ann Chavez-Lopez. Mayor Ravi Bhasker and Councilor Michael Olguin were absent.

PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Monette led all present in the Pledge of Allegiance.

APPROVAL OF APRIL 1, 2013 CITY COUNCIL MEETING AGENDA

Councilor Hicks made a motion to approve the agenda as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. March 18, 2012

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Fleming, motion passed unanimously.

PUBLIC FORUM

Kathleen LeFebre and Catharine Stewart-Roache attended the meeting to express their concern about loose dogs within the City. Ms. LeFebre stated that she walks with a disabled child every day and the stray dogs make her walk difficult. Ms. Stewart-Roache stated that she has been bitten twice by stray dogs and feels the court case handled by Municipal Court was handled unsatisfactorily (the dog owners fine was suspended). Ms. Stewart-Roache stated that she contacted the Police Department and was told that in a five-year period, there were 154 loose dog complaints. Ms. Stewart-Roache provided a handout with several recommendations which includes the creation of a board to discuss the problem. Mr. Salome stated that there is a law against loose dogs and that the responsibility lies with the pet owner. Mr. Salome stated that the City has tried to implement events such as free, City-funded shot clinics, spay and neuter programs and free City tag in order to assist pet owners with the cost of owning a pet.

Marie Watkins stated that she is a member of the Socorro Electric Cooperative and is unhappy that the SEC Board moved their annual meeting from Saturday, May 18th to Wednesday, May 15th. Ms. Watkins stated that she feels the change was made so that fewer members are able to attend the meeting. Ms. Watkins stated that she does not feel the City should enter into a contract with the SEC for the use of Finley Gym on May 15th. Mr. Salome stated that the City only has a verbal agreement for the use of Finley Gym on May 18th and has not been contacted regarding the use of the gym on May 15th.

Councilor Hicks congratulated Mary Torres, a Socorro native, for her recent American Bar Association award.

Councilor Fleming stated that due to difficulties presented by deadline changes for the local newspaper, he feels the Administration should advertise the notice of the City Council meeting date, time and location rather than the entire agenda. Mr. Salome stated that the new deadline has created some difficulty in putting together the agenda as there are times when items need to be added after the agenda has been completed and the new deadline does not allow for the changes. Mr. Salome stated that the Administration would advertise the notice of only the City Council meeting date, time and location for the next meeting and copies of the final agenda would be available at City Hall on Thursday (prior to the meeting) for the public to view.

SECOND READING OF ORDINANCES – PUBLIC HEARING & CONSIDERATION OF APPROVAL

a. Ordinance No. 13-03-04 – Land Sale – A-1 Quality Redi-Mix

Mayor Pro-Tem Monette presented Ordinance No. 13-03-04 which, if approved, will allow the City to move forward with the sale of City property located on Highway 60 to A-1 Quality Redi-Mix Inc.

Councilor Jaramillo made a motion to go into public hearing. Seconded by Councilor Romero, motion passed unanimously.

City of Socorro
Regular City Council Meeting
April 1, 2013

Mr. Salome stated that the Aguilar family has leased the City property (20 acres) where A-1 Quality Redi-Mix Inc. is located for many years (35) and they are now interested in purchasing the property. There were no comments from the public.

Councilor Hicks made a motion to go back into regular session. Seconded by Councilor Pargas, motion passed unanimously.

Councilor Jaramillo made a motion to approve Ordinance 13-03-04. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

DISCUSSION AND DELIBERATION

a. Request to Deed Unusable City Property (Approx. 200 sq. ft.) of 998-1000-1002 Rocky Road

Mayor Pro-Tem Monette stated that there is a request to deed approximately 200 square feet of unusable City property located just behind 998, 1000 and 1002 Rocky Road back to the property owners. Mr. Salome stated that the area in question, which lies up against a ravine, was deeded to the City of Socorro in the 1990's but that it was deeded beyond the property line of the private property. Jeanene Hall stated that the property is usable only to the property owner as it already has a wall enclosing the property in question.

Councilor Chavez-Lopez made a motion to deed approximately 200 square feet of unusable City property located just behind 998, 1000 and 1002 Rocky Road back to the property owners. Seconded by Councilor Romero, motion passed unanimously.

b. Police Oversight Commission – Proposed Changes

Mr. Salome stated that the Police Oversight Commission has reviewed the appeals process outlined for the POC and would like to simplify the process as the current appeal process is cumbersome and difficult to adjudicate. Mr. Salome stated that the changes would still allow the appellant the same opportunity to have their position made a part of the permanent record for the complaint. Mr. Salome stated that if the Council chooses to proceed with the changes, he will put the ordinance on the next agenda and the ordinance process can be started at that time.

Councilor Chavez-Lopez made a motion to place the proposed changes to the Police Oversight Commission ordinance and rules and regulations on the next agenda for approval for publication. Seconded by Councilor Hicks, motion passed unanimously.

c. In-House Budget Resolutions 101 and 102

Mable Gonzales, the City's Finance Director, explained that In-House Budget Resolutions 101 and 102 are adjustments within a department needed to allow for expenditures through the end of the fiscal year. The adjustments move funds from one line item to another within the same department. Budget Resolutions 101 and 102 include adjustments in the Administration, Library, Police and Animal Control departments.

Councilor Hicks made a motion to approve In-House Budget Resolutions 101 and 102. Seconded by Councilor Romero, motion passed unanimously.

COMMITTEE REPORTS

Councilor Pargas stated that the Maze of Life event will be held at Socorro High School from April 9th through April 12th.

Councilor Romero stated that the Personnel Manual Committee will meet April 10th at noon at City Hall.

Councilor Chavez-Lopez stated that the Budget Committee will meet April 9th at noon at City Hall.

NEW BUSINESS

None.

City of Socorro
Regular City Council Meeting
April 1, 2013

OLD BUSINESS

Councilor Chavez-Lopez asked about the status of the mobile home on Tierra Bonita. Jay Santillanes, Division Director stated that several contractors have looked at the trailer but no one has placed a bid to remove it. Mr. Santillanes stated that City crews do not have the equipment needed to demolish the trailer. Mr. Santillanes stated that he will continue to work on getting a bid.

Mayor Pro-Tem Monette thanked the City for repairing various potholes throughout the City.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. Reporting on Personnel Changes

None.

b. Business Registrations

Councilor Romero motioned to approve the business registrations as read by Mayor Pro-Tem Monette:

I-Deal Rock & Gem – R-1 (Approved by P & Z) – 605 Franklin – Mike & Meri Stanley – Rocks & Gems
Internet Sales

Seconded by Councilor Fleming, motion passed unanimously.

c. Next City Council Meeting Announcement

Mayor Pro-Tem Monette stated that the next City Council meeting would be held on Monday, April 15, 2013 at 6:00 p.m. in the City Hall Council Chambers. .

ADJOURNMENT

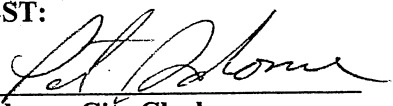
At 6:40 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Fleming, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation



Ravi Bhasker, Mayor

ATTEST:



Pat Salome, City Clerk

City of Socorro
Regular Scheduled City Council Meeting
July 22, 2013

Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Mary Ann Chavez-Lopez, Councilor Peter Romero, Councilor Donald Monette, Councilor Michael Olguin and Councilor Toby Jaramillo. Councilor Gordy Hicks, Councilor Ernest Pargas and Councilor Nick Fleming were absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF JULY 22, 2013 CITY COUNCIL MEETING AGENDA

Councilor Monette made a motion to approve the agenda as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. July 1, 2013

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

PUBLIC FORUM

None.

SECOND READING OF ORDINANCES – PUBLIC HEARING & CONSIDERATION OF APPROVAL

a. Ordinance No. 13-06-03 – Land Sale – Blue Collar Construction LLC – Postponed from 7-1-13 City Council Meeting

Mayor Bhasker presented Ordinance No. 13-06-03 which, if approved, will allow the City to move forward with the sale of City property through the ordinance process. Mayor Bhasker stated that Blue Collar Construction LLC has leased the City property (approximately 5 acres) where Blue Collar Construction LLC is located for approximately 3 years and they are now interested in purchasing the property. Mayor Bhasker stated that an ordinance considering the sale was discussed at a previous City Council meeting which would have authorized the sale of 5 acres of land to Blue Collar Construction LLC but that Blue Collar Construction LLC has now requested to purchase a total of approximately 12 acres (the additional acreage is land-locked and is not usable by anyone else). Mayor Bhasker stated that consideration of the ordinance was postponed from the last City Council meeting as there were not enough Councilors present for a vote.

Councilor Monette made a motion to go into public hearing. Seconded by Councilor Romero, motion passed unanimously.

Terry Tadano, from the Chamber of Commerce, stated that Dennis Engineering re-surveyed the area and the amount of land to be purchased is 9.684 acres rather than the 12 acres previously discussed. Mr. Salome stated that the land was appraised at \$18,200.00 per acre. There were no other comments from the public.

Councilor Monette made a motion to go back into regular session. Seconded by Councilor Jaramillo, motion passed unanimously.

Councilor Monette made a motion to approve Ordinance 13-06-03. The motion was seconded by Councilor Chavez-Lopez. After a roll call vote, motion passed unanimously.

DISCUSSION AND DELIBERATION

a. Healthy Kids Initiative – Quarterly Update – Cynthia Connolly

Cynthia Connolly gave a quarterly update of the Healthy Kids Initiative. Ms. Connolly stated that the group has met with the school to discuss food systems and various other projects. Ms. Connolly stated that the group has also met with Josh Kerns, the City's Recreation Director, regarding various projects. Ms. Connolly stated that the 5-2-1-0 program in the schools was successful and that another program would be held this school year. Mayor Bhasker thanked Ms. Connolly for her presentation.

City of Socorro
Regular Scheduled City Council Meeting
July 22, 2013

b. Agreement – City of Socorro & State of NM Children, Youth & Families – Juvenile Justice Grant

Mable Gonzales, Finance Director, presented an agreement between the City of Socorro and the State of NM Children, Youth & Families Department which would allow the City of Socorro to act as the fiscal agent for funds from the Juvenile Justice Grant in the amount of \$79,000.00. Ms. Gonzales stated that \$9,100.00 of the grant would be allowed to be used for the administration of the grant (City).

Councilor Monette made a motion to approve the agreement between the City of Socorro and the State of NM Children, Youth & Families Department. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

c. Memorandum of Understanding – City of Socorro & Socorro Consolidated Schools – School Resource Officer

Mayor Bhasker presented a Memorandum of Understanding between the City of Socorro and Socorro Consolidated Schools. Mayor Bhasker stated that the City will provide a resource officer for the schools for 3 ½ years in exchange for 2 portable buildings to be used at the new rodeo facility. Councilor Monette stated that he didn't see a section regarding whether or not an officer can leave campus if there is an emergency off campus. Mr. Salome stated that he could add a section regarding that matter. Mr. Salome stated that the SRO position is clearly defined and that the SRO will not act as a disciplinarian but will assist with on campus police matters and truancy issues. Mr. Salome stated that the SRO will be primarily at the high school.

Councilor Olguin made a motion to modify the MOU to include a section regarding off-campus emergency procedures. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Councilor Romero made a motion to approve the Memorandum of Understanding between the City of Socorro and Socorro Consolidated Schools as amended. Seconded by Councilor Jaramillo, motion passed unanimously.

d. Airport Task Order #7 – WH Pacific – Pavement Maintenance Project

Jay Santillanes, Division Director, presented Task Order No. 7 from WH Pacific for the airport. Mr. Santillanes stated that the task order is in the amount of \$23,863.00 and is for the construction observation and acceptance testing for the pavement maintenance work at the airport. Mr. Santillanes stated that the project falls under a State contract and will consist of a crack seal, fog seal and striping.

Councilor Romero made a motion to approve Task Order No. 7 from WH Pacific. Seconded by Councilor Monette, motion passed unanimously.

e. Resolution No. 13-07-22a – NMDOT COOP Grant Acceptance

Mr. Santillanes presented Resolution No. 13-07-22a which, if approved, allows the City to enter into a Cooperative Agreement with the New Mexico Department of Transportation for a chip seal project on multiple City roads (Calixtro, Goad, Mariposa, Calle Bonita, Tierra Bonita, Sierra Bonita, Smith, Otero, Center, Giles, Pinon, Juniper, Marshall and Rodeo Access Road). Mayor Bhasker stated that the total project cost is \$61,796.00 with the NMDOT funding 75% and the City funding 25%.

Councilor Monette made a motion to approve Resolution No. 13-07-22a. Seconded by Councilor Romero, motion passed unanimously.

Councilor Hicks arrived.

f. Resolution No. 13-07-22b – GPS Monitoring System

Mayor Bhasker presented Resolution No. 13-07-22b which, if approved, provides the Governing Body's support of a pilot program for the use of GPS monitoring systems for approximately 20 vehicles. Mayor Bhasker read the resolution which states that some of the reasons for the GPS monitoring system are to determine the effect of efficiency, productivity, safety and accountability. Mayor Bhasker stated that the program will last three months at which time the data will be reviewed and a determination about how to continue with the project will be made. Mr. Salome stated that some of the data that will be shown will include speed, start/stop information and routes. Mayor Bhasker stated that the cost is approximately \$25.00 per car with no charge for installation. Mr. Salome stated that the City will have the ability to better review anonymous complaints and traffic accidents.

City of Socorro
Regular Scheduled City Council Meeting
July 22, 2013

Councilor Hicks made a motion to approve Resolution No. 13-07-22b. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

g. Resolution No. 001B – Final Budget Approval FY 13-14

Mable Gonzales, Finance Director, presented Resolution No. 001B which, if approved, adopts the final budget for FY 2013-2014. Ms. Gonzales presented a list of final budget amendments which are changes made on the final budget that were not included in the preliminary budget.

Mayor Bhasker, Mr. Salome and the City Council commended Ms. Gonzales for her work on the budget. Ms. Gonzales, in turn, thanked that Department Heads for their participation in developing the budget. Mayor Bhasker reviewed various items that were included in the budget – 1% salary anniversary increase, short-term salary adjustment for all full-time and part-time permanent employees, funding for radio read meters, funding for the Police Oversight Commission and the pick-up of the increase in PERA contributions for City employees. There was no increase in health or vision insurance premiums. The resolution also lists funding for various capital improvement projects.

Councilor Monette made a motion to approve Resolution No. 001B. Seconded by Councilor Jaramillo, motion passed unanimously.

h. Budget Resolutions

1. No. 19 – Water Meter Loan Fund

Resources are Transfer from Joint Enterprise Water Fund – The amount is \$10,000.00 – The transfer is needed to allow for cash balance available.

2. No. 20 – Street Improvement Fund

Resources are Transfer from R & R General Fund – Requirements are Local Street Projects – The Amount is \$22,000.00 – The increase is needed to allow for expenditures to June 30, 2013.

3. No. 21 – Recreation Fund

Resources are Transfer from General Fund – Requirements are Recreation (Building Maintenance, Youth PA) and Youth Center (Salaries, Salaries OT and Salaries Other) – The amount is \$36,000.00 (\$17,000.00 for Recreation and \$19,000.00 for Youth Center) – The increase is needed to allow for expenditures to June 30, 2013.

4. No. 22 – Municipal Street Fund

Resources are Transfer from General Fund – Requirements are Vehicle Fuel, Vehicle Maintenance and Lighting – The amount is \$21,500.00 – The increase is needed to allow for expenditures to June 30, 2013.

5. No. 23 – Lodger's Tax Promo Fund

Resources are Beginning Cash Balance Available – Requirements are Salaries, STSA, PERA, Group Insurance, Retiree Health Care, SocorroFest and Misc. Events – The amount is \$22,850.00 – The increase is needed to allow for expenditures to June 30, 2013.

Councilor Hicks made a motion to approve Budget Resolutions 19 through 23. Seconded by Councilor Romero, motion passed unanimously.

i. In-House Budget Resolutions 105 through 107

Mable Gonzales, the City's Finance Director, explained that In-House Budget Resolutions 105 through 107 are adjustments within a department needed to allow for expenditures through the end of the fiscal year. The adjustments move funds from one line item to another within the same department. Budget Resolutions 105 through 107 include adjustments in the Police, Fire, Auto Mechanic, Parks, Water, Wastewater Gas, Landfill, and Production departments.

Councilor Monette made a motion to approve In-House Budget Resolutions 105 through 107. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

City of Socorro
Regular Scheduled City Council Meeting
July 22, 2013

COMMITTEE REPORTS

None.

DEPARTMENT DIRECTOR REPORTS

Catherine Stewart-Roache stated that she has participated in the "task force" to review dog bites. Ms. Stewart-Roache stated that she reviewed police reports for May and June 2013 and felt that some of the reports were well written and others lacked information/action. Ms. Stewart-Roache stated that there were a total of 6 dog bites during those 2 months and found that 2 owners were not cited and only one dog out of the 6 was picked up. Ms. Stewart-Roache stated that she feels this process can be improved upon. Ms. Stewart-Roache also stated that there were 20 reports of loose pit bulls. Ms. Stewart-Roache stated that she would like to work with all entities involved to try and solve the loose dog issue. Mayor Bhasker stated that in order to assist with reporting, the Police Chief had developed a form for use by dispatch when receiving calls regarding loose dogs. Mr. Salome stated that in order for the problem to improve, all three branches of government need to participate in the solution. Mr. Salome stated that the Administration needs to change the law, the Police Department needs to enforce the law and the courts need to adjudicate the law. Mr. Roache stated that he will defend himself and his family with any legal means necessary to do so when being attacked by a loose dog. Mayor Bhasker stated that he feels this dialogue is the beginning of the focus on better animal control.

Mable Gonzales, Finance Director, stated that renovations at City Hall are ongoing.

George Van Winkle, Police Chief, provided a handout to the Mayor and Council of Police Department stats from June 2013 (99 arrests, 223 citations, 0 DWI arrests, 244 police reports filed, 21 traffic accidents, 9,920 calls received by dispatch, etc.). Chief Van Winkle described the new form that will be used by dispatch regarding dog bite and loose animal calls.

Joe Gonzales, Fire Chief, provided a handout to the Mayor and Council of Fire Department stats from June 2013 (186 ambulance runs, 13 fire calls, etc.). Chief Gonzales stated that employee training is ongoing. Chief Gonzales stated that the MDA volleyball tournament will be held August 2nd. Chief Gonzales stated that there have been ongoing maintenance issues with the diesel ambulances and that the next ambulance will more than likely be gasoline. Chief Gonzales stated that the Fire Department has done preliminary inspections on the new dorms at NM Tech and the new medical building at the hospital.

Jay Santillanes, Division Director, stated that natural gas line replacement is ongoing in several alleyways. Mr. Santillanes stated that the Gas Department is also working on an exposed transmission line. Mr. Santillanes stated that the Street Department has been working on grading at the rodeo grounds. Mr. Santillanes stated that natural gas use by Grefco has been higher than expected. Mayor Bhasker stated that the natural gas used by Grefco is gas that otherwise would not have been sold. Mr. Santillanes stated that the Co-op funds will be available in approximately 3 weeks. Mr. Santillanes stated that the holding pond is near completion with crews currently working on fencing.

Pauline Taylor, Wastewater Superintendent, stated that the ladders are currently being installed and that crews are working on digester #3.

Jennifer Gonzales, Tourism Director, stated that the Tourism Department was awarded a \$40,000.00 NM Cooperative Marketing Grant. Ms. Gonzales stated that a Rufus Neck Wood Rail has been spotted at the Bosque del Apache and it is the first sighting of the bird in the U.S. Ms. Gonzales stated that there will be several events in August including: Chile Harvest Triathlon (August 3rd), Socorro County Fair and Rodeo (August 29th through September 1st), International Starry Night (August 10th), Community Yard Sale (August 3rd), Texas 2 Step Dance Series (August 16th), Hot August Car Show (August 17th) and County Fair Parade (August 31st).

Mike Czosnek, Building Inspector, stated that there has been an increase in building permits recently. Mr. Czosnek stated that the final submission to FEMA for the levy certification was made July 11th. Mr. Czosnek stated the City should hear back from FEMA in 60 to 90 days. Mr. Czosnek stated the final FEMA maps will be done in January and if the levy is certified, the maps will not change much. Mayor Bhasker stated that progress on the Rio Grande levy has been delayed. Mayor Bhasker stated that on August 8th, a local group in support of the levy will meet in Washington DC to try and resolve the issues with the Army Corps. of Engineers.

City of Socorro
Regular Scheduled City Council Meeting
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Paula Mertz, Library Director, stated that there were 197 kids and 30 adults registered in the City's summer reading program with a total of 7,068 books read over the summer. Ms. Mertz stated that the prizes will be awarded July 23rd at 2:30 p.m. Ms. Mertz stated that a total of 543 people attended 27 different programs over the summer.

Lloyd Martinez, Parks/Production/Water/Special Projects Superintendent, stated that the sewer line project at the soccer fields is complete. Mr. Martinez stated that the sewer line project took 2 ½ months and cost \$51,582.00 (a savings of \$168,000.00 had the project been done by a private contractor). Mr. Martinez stated that lights will be installed and 72 trees will be planted at the soccer fields soon. Mr. Martinez stated that Parks Department crews have been maintaining all of the City parks. Mr. Martinez stated that Water Department crews have been doing water and sewer connections as well as repairing water leaks. Mr. Martinez stated that new decorative gravel will be placed at the north Socorro entrance. Mr. Martinez stated that the four corners at the northern most street light will be landscaped. Mr. Martinez stated that the radio read water meter replacement project is 97% complete.

Michael Lucero, Sanitation/Landfill/Recycling Director, stated that operations at the new cell are ongoing. Mr. Lucero stated that crews are hauling final cover to the old dumping area. Mr. Lucero stated that crews are grinding trees at NM Tech to be used for landfill closure. Mr. Lucero stated that crews are catching up on tires and building a tire berm at the landfill. Mr. Lucero stated that there have been no maintenance issues with sanitation or recycling vehicles/equipment.

NEW BUSINESS

None.

OLD BUSINESS

a. Proposed Animal Control Update

See Department Directors Reports above.

Mr. Salome stated that he is still working on the codification project. Mr. Salome stated that he will add the proposed change to the animal control ordinance during the codification project.

Councilor Hicks stated that he would like to see information regarding the "UFO site" on a City billboard. Councilor Hicks stated that he would also like to see information regarding "local people that have done good" on a billboard.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. Electric Franchise Agreement – Progress Report

Mayor Bhasker stated that the franchise agreements between the City and the Socorro Electric Cooperative, Comcast Cable and Quest are expired and are currently on a month to month basis. Mayor Bhasker stated that he has located an attorney, Nan Winter, who specializes in franchise agreements and would like the approval of the City Council in order to proceed with working with this attorney. Mayor Bhasker stated that the City would like to start with the franchise agreement with Socorro Electric Cooperative. Mayor Bhasker stated that a new franchise agreement with Socorro Electric Cooperative could help to improve transparency. Mayor Bhasker stated that it will take 6 months to 1 year to create the new agreement. Mayor Bhasker stated that the new agreement will include input from the City Administration, City Department Heads and the public. Mayor Bhasker stated that he would like to have Ms. Winter come and address the Council on the process of creating a new agreement.

Councilor Hicks made a motion to approve the Administration moving forward with Nan Winter to create a new franchise agreement with Socorro Electric Cooperative. Seconded by Councilor Jaramillo, motion passed unanimously.

b. New Mexico Municipal League – Voting Delegate

Councilor Monette made a motion to appoint Councilor Romero as the voting delegate for the City for the 2013 Annual NM Municipal League Conference. Seconded by Councilor Jaramillo, motion passed unanimously. Councilor Chavez-Lopez was named as the alternate voting delegate.

City of Socorro
Regular Scheduled City Council Meeting
July 22, 2013

c. Planning & Zoning Commission Appointment

Mayor Bhasker stated that he would like to appoint Sefie Anaya to the Planning and Zoning Commission. Councilor Monette made a motion to approve the Mayor's appointment of Sefie Anaya to the Planning and Zoning Commission. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

d. Reporting on Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Carlos Daniel Savedra – 7-22-13 – Transportation – New Hire (Part-Time Driver) – A-19
Kevin Vigil – 7-15-13 – Fire – EMTI Certification – D-31 to D-34
Jaime Hidalgo – 6-19-13 – Gas to Finance – Transfer from Surveyor to Customer Service – K-34 (no change)
Abie Baca III – 6-19-13 – Finance to Gas – Transfer from Customer Service to Backhoe Operator – H-27 to H-24
Rene Perez – 6-19-13 – Gas – Promotion from Truck Driver to Surveyor – C-22 to C-27
Shaun Fernandez – 7-22-13 – Street – Transfer from Crewman to Truck Driver – D-17 to D-22
Demecio Silva – 7-22-13 – Street – Merit – E-34 to E-37
Michael Lucero – 7-22-13 – Landfill – New landfill requirements associated with permit. – F-52 to F-60
Roy Baca - 7-22-13 – Landfill – New landfill requirements associated with permit. – D-42 to D-48
Tim Gonzales -7-22-13 – Landfill – New landfill requirements associated with permit. – A-27 to A-31
Rick Gutierrez -7-22-13 – Landfill – New landfill requirements associated with permit. – Q-22 to Q-26

Temporary New Hires: George Romero, Mike Jojola

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Richie Chavez, Napoleon Casey, Paul Marquez, Chris Perez, Carlos Alvarado, Chris Hobaugh, Ramiro Garza, Eddie Gonzales, Tony Montoya, Joseph Gonzales, Albert Hernandez

Student Workers: Malcolm Ruff-Tafoya, Angelica Estrada, Sergio Cuevas

Recreation Workers (15), Youth Center Workers (10), Summer Youth (79)

Seconded by Councilor Romero, motion passed unanimously.

e. Business Registrations

Councilor Romero motioned to approve the business registrations as read by Mayor Bhasker:

Streetwise Inc. – C-2 – 100 6th Street – Rod Dominguez, President – Non-Profit Outpatient Mental Health
Comcast Business Security LLC – Out of Town – Philadelphia, PA – CBS Holdco, LLC – Install/Service
Small Business Security Systems
T & P LLC dba H & R Block – C-2 – 826 California Street – Daniel Payne, President – Tax Preparation
Mistica Boutique – C-2 – 102 Baca Street – Abel Quiroz – Boutique
Care A Cell – R-3 (P&Z Approved) – 901 Walkway Apt. B15 – Angela Hartfield – Elderly Care

Seconded by Councilor Olguin, motion passed unanimously.

f. Voucher Run

Councilor Monette made a motion to approve vouchers 126636 to 126894 in the amount of \$744,917.27, plus Payroll Transfers (\$367,222.11), for a total of \$1,112,139.38. Seconded by Councilor Hicks, motion passed unanimously.

Councilor Monette made a motion to approve vouchers 126895 to 127044 in the amount of \$344,910.00, plus Payroll Transfers (\$179,861.79), for a total of \$524,771.79. Seconded by Councilor Hicks, motion passed unanimously.

g. Next City Council Meeting Announcement

Mayor Bhasker recommended that due to the fact that the Council Chambers will be filled with furniture and boxes due to the remodel, he would like to cancel the August 5, 2013 City Council meeting.

City of Socorro
Regular Scheduled City Council Meeting
July 22, 2013

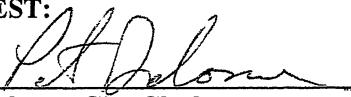
ADJOURNMENT

At 7:46 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Monette, motion passed unanimously.

THE CITY OF SOCORRO a municipal corporation

Ravi Bhasker, Mayor

ATTEST:



Pat Salome, City Clerk

City of Socorro
Regular City Council Meeting
September 3, 2013

Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Peter Romero, Councilor Nick Fleming, Councilor Donald Monette, Councilor Toby Jaramillo and Councilor Mary Ann Chavez-Lopez. Councilor Ernest Pargas, Councilor Michael Olguin and Councilor Gordy Hicks were absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF SEPTEMBER 3, 2013 CITY COUNCIL MEETING AGENDA

Mr. Salome requested that Resolution No. 13-09-03 be added as part of Item 7d under Discussion. Councilor Monette made a motion to add Resolution No. 13-09-03 as part of Item 7d under Discussion. Seconded by Councilor Jaramillo, motion passed unanimously.

Councilor Chavez-Lopez made a motion to approve the agenda as amended. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. August 19, 2013

Councilor Monette made a motion to approve the minutes as presented. Seconded by Councilor Romero, motion passed unanimously.

PUBLIC FORUM

a. Infrastructure Capital Improvements Plan (ICIP) – Public Input

Mayor Bhasker stated that the City was currently working on its ICIP and asked anyone who would like a project added to the ICIP to present their information to the City for consideration. Mr. Salome stated that this item was on the agenda for public input and that the final ICIP would be presented to the City Council for approval at a future City Council meeting. Mayor Bhasker requested that the City Councilors return a sheet with their top five priorities. Mayor Bhasker stated that as he has previously stated, he would like the reconstruction of Highway 60 (City limits) to be placed on the ICIP.

Councilor Hicks arrived.

Al Smoake, the volunteer manager for the Socorro Community Kitchen, thanked the City for their continued support of the kitchen. Mr. Smoake stated that the kitchen has 2 bakers, 3 jelly makers and 3 chili processors. Mr. Smoake stated that he would like to apply for a \$10,000 grant for a steam-jacketed kettle from the McHune Foundation and requested that the City be the fiscal agent for the funds, if received. Councilor Hicks made a motion to approve the City as the fiscal agent for the funds, if received. Seconded by Councilor Romero, motion passed unanimously. Some discussion regarding the farmer's market followed.

FIRST READING OF ORDINANCES – APPROVAL FOR PUBLICATION ONLY

a. Ordinance No. 13-09-03 – Land Sale – Durkin Diesel Specialty LLC

Mayor Bhasker presented Ordinance No. 13-09-03 which, if approved, allows the Administration to sell 7.825 acres of City land located west of I-25 near the Lemitar exit (in Lemitar, NM) in the amount of \$115,810.00 to Durkin Diesel Specialty LLC. Mr. Salome stated that the item is on the agenda for approval for publication only and that once properly advertised, it will appear on a future agenda for a public hearing and consideration.

Councilor Hicks made a motion to approve Ordinance 13-09-03 for publication only. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

City of Socorro
Regular City Council Meeting
September 3, 2013

DISCUSSION AND DELIBERATION

a. Franchise Agreement Introduction

Mayor Bhasker stated that he invited attorney Nann Winter to the City Council meeting to discuss the process of updating the franchise agreements the City has with the Socorro Electric Cooperative, Comcast Cable and Quest Communications. Mayor Bhasker stated that the City would like to ensure that the City, as well as the three entities, is protected. Mayor Bhasker stated that Ms. Winter has a long history of working with franchise agreements. Mayor Bhasker stated that Ms. Winter had not arrived at the meeting yet. Councilor Hicks made a motion to move the item further down the agenda allowing Ms. Winter time to arrive. Seconded by Councilor Monette, motion passed unanimously.

b. Public Hearing – Liquor License Application – Transfer of Ownership of Liquor License No. 0925 with Package Sales – John Brooks Supermart #268

Councilor Hicks made a motion to go into public hearing. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Mr. Salome stated that John Brooks Supermart #268 has requested a Transfer of Ownership of Liquor License No. 0925 with Package Sales which has to be approved by the local Governing Body. Brock Stewart, a representative from John Brooks Supermart #268 was present at the meeting. Mr. Stewart stated that the request was to add a party to the ownership as Vice-President. There was no public comment.

Councilor Hicks made a motion to go back into regular session. Seconded by Councilor Jaramillo, motion passed unanimously.

Councilor Hicks made a motion to approve the Transfer of Ownership of Liquor License No. 0925 with Package Sales for John Brooks Supermart #268. Seconded by Councilor Jaramillo, motion passed unanimously.

c. Memorandum of Understanding – City of Socorro and County of Socorro – Distribution of Certain Funds

Mayor Bhasker presented a Memorandum of Understanding between the City of Socorro and Socorro County which, if approved, allows Socorro County to distribute \$40,000 to the City for the purchase of a new ambulance and allows the City to distribute \$40,000 to the County who will apply the funds towards maintenance and operation of the Socorro County Detention Center. Joe Gonzales, Fire Chief, stated that the City purchases a new ambulance every 3 years at a cost of approximately \$140,000 (without the equipment). Chief Gonzales stated that the City is currently in need of 2 ambulances.

Councilor Hicks made a motion to approve the Memorandum of Understanding between the City of Socorro and Socorro County. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

d. Airport Project Bid Award

Jay Santillanes, Division Director, stated that bids for the airport runway project were opened on August 12, 2013 and that the WH Pacific has recommended that the City award the bid to Maxwell Asphalt. Mr. Santillanes stated that the amount of the bid from Maxwell Asphalt is \$303,840.00 (excluding GRT). Mr. Santillanes stated that the project will be pavement renovation on the main runway.

Councilor Hicks made a motion to award the bid to Maxwell Asphalt. The motion was seconded by Councilor Monette. Councilor Chavez-Lopez, Councilor Jaramillo, Councilor Fleming, Councilor Monette and Councilor Romero voted in favor of the motion. Councilor Hicks opposed. Motion passed on a 5 to 1 vote.

Mr. Santillanes presented Resolution No. 13-09-03 which, if approved, authorizes the City to submit an application for airport aid to the Federal Aviation Administration, authorizes the obligation of matching funds and authorizes the City to accept the resulting grant offer.

Councilor Hicks made a motion to approve Resolution No. 13-09-03. Seconded by Councilor Fleming, motion passed unanimously.

City of Socorro
Regular City Council Meeting
September 3, 2013

e. Amendment to the Engineering Agreement – Dennis Engineering – Hope Farms Wastewater Expansion Project

Mable Gonzales, City Treasurer, presented Amendment No. 1 to the Engineering Agreement for the Hope Farms Wastewater Expansion Project. Ms. Gonzales stated that the amendment allows the City to go out to bid for the project and enter into the construction phase of the project. Ms. Gonzales stated that the amendment is for the amount of \$79,989.80. Ms. Gonzales stated that there is \$1,200,000 available for the project.

Councilor Jaramillo made a motion to approve the amendment to the engineering agreement. Seconded by Councilor Monette, motion passed unanimously.

f. Budget Resolution No. 1 – Rodeo Arena Reserve Fund

Resources are Investment Income-Reserve (\$264.00) and Reserve-Loan (\$80,132.00) – The total amount is \$80,396.00 – The budget resolution is needed in order to set up a new fund as per the rodeo arena loan requirement.

Councilor Hicks made a motion to approve Budget Resolution No. 1. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Mayor Bhasker stated that City crews are currently moving dirt to the RV area. Mayor Bhasker stated that the City is in the process of getting an architect for the arena. Mayor Bhasker stated that the high school soccer team is currently using one of the soccer fields for practice. Mayor Bhasker stated that the City is preparing to install the lights.

DEPARTMENT DIRECTOR REPORTS

Mayor Bhasker suggested Department Directors Reports in order to give Ms. Winter time to get to the meeting.

Mable Gonzales, Finance Director, stated that the remodel at City Hall has been completed and has received a lot of compliments from the public. Ms. Gonzales stated that several old photos of the City have been made into pictures for the walls inside City Hall. Ms. Gonzales stated that after 3 more buildings have been installed with fiber optic line, City Hall will then get the fiber installed. Ms. Gonzales stated that City Hall needs the fiber optic line in order to upgrade the phone system.

George Van Winkle, Police Chief, stated that there were no incidents or DWI's at the County Fair. Chief Van Winkle stated that there are 2 police officer positions open. Chief Van Winkle stated that the Police Department is working closely with the Animal Shelter regarding loose dogs and dog bites.

Joe Gonzales, Fire Chief, stated that all equipment and vehicles are running properly. Chief Gonzales stated that the Fire Department performed all of the annual pump, hose and ladder tests. Chief Gonzales stated that he is working on the grant application for a new ambulance. Chief Gonzales stated that the barbecue for the annual Fire and EMS Expo will be on September 14th.

Jay Santillanes, Division Director, stated that Gas Department crews replaced natural gas lines in the alleys along School of Mines and Neel Street. Mr. Santillanes stated that Dicaparl has started using natural gas and has actually used more than originally projected. Ms. Santillanes stated that there will be several City streets receiving a chip seal soon. Mr. Santillanes stated that construction on the A Street pond has been completed.

Pauline Taylor, Wastewater Superintendent, stated that there were minor problems with two of the pumps at one of the lift stations but they have been repaired. Ms. Taylor stated that one of the ladders has been installed in the SBR and the second ladder will be installed soon.

Jennifer Gonzales, Tourism Director, stated that SocorroFest is being advertised on billboards in Albuquerque and Las Cruces. Ms. Gonzales stated that there are several events coming up including Festival of the Cranes, Run For Your Life 5K, NM True Day at the State Fair, M Mountain Fly In, San Antonio Harvest Festival, Alpaca Days, San Miguel Fiestas and Parade, National Refuge Day, Enchanted Skies Star Party and SocorroFest.

City of Socorro
Regular City Council Meeting
September 3, 2013

Mike Czosnek, Building Inspector, stated that there has been no response from FEMA yet regarding the certification of the levy. Mr. Czosnek stated that a certificate of occupancy was issued for the new medical building located next to the hospital. Mr. Czosnek stated that there were funds allocated in the budget for condemnation proceedings and that he would now be able to pursue condemnations if needed.

Lloyd Martinez, Parks/Production/Water/Special Projects Superintendent, stated that in regards to the soccer fields/rodeo area, City crews are working on several projects including parking lot lights, footings for the bathroom, footings for a storage building and staking the RV park for water lines. Mr. Martinez stated that Parks Department crews have been cleaning up the parks after recent rains. Mr. Martinez stated that the (railroad tie) wall at Clarke Field will need to be repaired. Mr. Martinez stated that the screens at the arsenic treatment plants still need to be worked on.

Michael Lucero, Sanitation/Landfill/Recycling Director, stated that NMED inspected the landfill on July 31st and found no violations. Mr. Lucero stated that City crews continue to haul cover to the old cell and grind tree limbs. Mr. Lucero stated that the City provided a water truck for the County Fair to help with dust control at the rodeo.

Luis Aguilar, President of the Socorro Electric Cooperative Board of Trustees, thanked the Mayor for inviting him to the meeting to discuss the franchise agreement and stated that when the City is ready, the Socorro Electric Cooperative will be happy to work with the City in preparing the new franchise agreement. Mr. Aguilar requested the use of Finley Gym for the next Socorro Electric Cooperative Board of Trustees meeting. Mayor Bhasker stated that the use of Finley Gym is approved but that the City will have to charge full price for the use of the gym. Mr. Salome stated that the franchise agreements are in the form of ordinances and that the ordinance process will be followed which includes public hearings. Also in attendance from the Socorro Electric Cooperative were Joseph Herrera and Priscilla Mauldin.

COMMITTEE REPORTS

None.

NEW BUSINESS

Councilor Jaramillo asked for a moment of silence for the victims of a recent fatal car accident just outside of Socorro.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. Reporting on Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Marcus Gawne – 8-16-13 – Fire – Completed Inspection Course – A-34 to A-36

Tim Gutierrez – 8-16-13 – Fire – Completed Inspection Course – D-34 to D-36

Gabe Alvarado – 8-21-13 – Fire – New Hire (FF/EMT Recruit) – A-25

Donna Jeanne Griffith – 10-1-13 – Library – Resignation (Retirement)

Violet Alvarado – 9-4-13 – Library – Level II Certification – E-19 to E-21

Donald Padilla – 8-20-13 – Library – Merit – F-36 to F-38

Chris Vega – 8-19-13 – Production – Additional Job Duties/Promotion to Operator I – E-20 to E-25

Mark Vega – 8-19-13 – Production – Additional Job Duties/Promotion to Operator II – F-25 to F-30

Seconded by Councilor Romero, motion passed unanimously.

City of Socorro
Regular City Council Meeting
September 3, 2013

b. Business Registrations

Councilor Romero motioned to approve the business registrations as read by Mayor Bhasker:

Ortiz Jerky – C-2 – 405 Center Street – Yolanda Ortiz – Beef Jerky Processing
Goehring's JR Body Shop – C-2 – 100 Smith Road – Shannon Daft – Auto Body & Paint Shop

Seconded by Councilor Monette, motion passed unanimously.

c. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, September 16, 2013 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 7:20 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Fleming, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

Ravi Bhasker, Mayor

ATTEST:

Pat Salome, City Clerk

City of Socorro
Regular Scheduled City Council Meeting
September 16, 2013

Mayor Ravi Bhasker called the meeting to order. Stephanie Saavedra, in the absence of the City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Gordy Hicks, Councilor Ernest Pargas, Councilor Nick Fleming, Councilor Peter Romero, Councilor Donald Monette, Councilor Michael Olguin and Councilor Toby Jaramillo. Councilor Mary Ann Chavez-Lopez was absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF SEPTEMBER 16, 2013 CITY COUNCIL MEETING AGENDA

Councilor Hicks made a motion to approve the agenda as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. September 3, 2013

Councilor Hicks made a motion to approve the minutes as presented. Seconded by Councilor Romero, motion passed unanimously.

PUBLIC FORUM

Mayor Bhasker asked for a moment of silence regarding the tragedy that occurred in Washington DC at the Naval Yard.

Mayor Bhasker thanked the City employees for their work during recent heavy rains which caused flooding around the State. Mayor Bhasker stated that the street sweeper is currently working on cleaning up mud and rocks from the roadways. Councilor Monette reminded the public of the City's notification system which was used for alerts during the rains.

Elizabeth LaJeunesse stated that she lives on Western Avenue. Ms. LaJeunesse explained that her neighbor's pit bull jumped over the fence while she, along with seven children and her dog, were in their backyard and attacked her dog. Ms. LaJeunesse stated that her dog ultimately had to be put down. Ms. LaJeunesse stated that her children are terrified to play outside and she is worried because her neighbor has brought the dog back to his home. Mayor Bhasker stated that he researched the incident and found the following information: the dog was picked up by the animal shelter after the attack; the owner was cited; the judge dropped the citation as the section of the ordinance the owner was cited under states a dog is vicious if it attacks a human and does not refer to other animals. Mayor Bhasker stated that he feels the owner should be cited again under the correct section of the ordinance. Mayor Bhasker stated that he feels the dog should be put down and explained that years ago he was in a similar situation where his dog bit someone (in his yard) and the dog had to be put down. Mayor Bhasker asked Ms. LaJeunesse to contact him on Wednesday and he would let her know of the progress the Administration has made. Russell Moses, the owner of the dog, stated that he does not feel his dog is a vicious dog. Mr. Moses stated that he feels the situation was unfortunate but that he does not feel that the dog should be put down. Councilor Hicks called for a point of order. Mayor Bhasker stated that he feels Mr. Moses should be allowed to continue as Ms. LaJeunesse had the opportunity to speak. Mr. Moses stated that he has done a lot in the community with the boxing gym. Mr. Moses stated that he will not allow the dog to be put down. Mr. Moses stated that he feels he should be reimbursed for the charges he incurred while the dog was being held at the shelter as the dog was not deemed a vicious dog. Mayor Bhasker stated that Mr. Moses should contact him Thursday and they would discuss the matter of reimbursement administratively. Alfred Jojola, the Animal Shelter Director, stated that the dog was monitored at the shelter and did show aggression. Mr. Jojola stated that the judge, however, makes the final determination regarding the animal. Ms. LaJeunesse stated that her family will be moving soon but felt that she should address the matter.

Catherine Stewart-Roache stated that she requested some changes to the Animal Control Ordinance in May and was told by Mr. Salome that the changes could be made during the codification of the ordinances. Ms. Stewart-Roache asked about the status of the codification. Mayor Bhasker stated that Mr. Salome is still working on the codification. Ms. Stewart-Roache stated that her suggested changes will help reinforce the law and better define a vicious animal. Catherine Stewart-Roache stated that she reviewed the August report from the Police Department regarding dog calls and that she feels improvement has been made in citing owners for dog bites and loose dogs.

City of Socorro
Regular Scheduled City Council Meeting
September 16, 2013

Brittany Gonzales stated that there is a problem with people speeding on Terry Street where she resides. Mayor Bhasker stated that the City plans to install a speed Bump on Terry Street which will help alleviate speeding in that area.

DISCUSSION AND DELIBERATION

a. Franchise Agreement Introduction

Mayor Bhasker stated that he invited attorney Nann Winter to the City Council meeting to discuss the process of updating the franchise agreements the City has with the Socorro Electric Cooperative, Comcast Cable and Quest Communications. Ms. Winter stated that she has been practicing law for 25 years and is a board certified local government specialist. Ms. Winter stated that franchise agreements are essentially rental agreements which allow a utility to occupy the City's rights of way. Ms. Winter stated that she has reviewed the City's franchise agreement with the Socorro Electric Cooperative which was created in the 70's. Ms. Winter stated that the agreement is expired and is now operating on a month to month basis following the same rules as the original agreement. Ms. Winter stated the City will need to consider what rules it would like to see changed and listed several items to consider. Ms. Winter stated that it is important to include department heads and the public when updating the agreement. Ms. Winter stated that the city should be allowed to look at the franchise's income. Ms. Winter stated that a franchise cannot allow another entity to "piggy back:" on their lines and not inform the City. Ms. Winter stated that negotiations will be between the franchise and the City Administration but since franchise agreements are ordinances, they will be brought before the City Council for consideration as well. Ms. Winter stated that she can provide the City with some sample agreements to review and will provide a detailed outline of how the process will work. Luis Aguilar, SEC Board President, stated that the SEC would very much like to be involved in the process and be involved in the public meetings. Joseph Herrera, SEC General Manager, stated that he is looking forward to working with the City on the franchise agreement. Mayor Bhasker thanked Ms. Winter for attending the meeting.

b. Agreement – City of Socorro & County of Socorro – Property for Proposed Jail Site

Mayor Bhasker presented an agreement between the City of Socorro and the County of Socorro that would allow the City to donate real property located in the City's Industrial Park to the County for the construction of a detention center. Mayor Bhasker stated that the County will clean up the property and chip seal the road leading to the proposed detention center. Mayor Bhasker stated that the County will eventually landscape the property and may possibly construct a court facility in the future.

Councilor Hicks made a motion to approve the agreement between the City of Socorro and County of Socorro. Seconded by Councilor Olguin, motion passed unanimously.

c. Resolution No. 13-09-16a – MAP Grant Acceptance – JO Gallegos Road

Jay Santillanes, Division Director, presented Resolution No. 13-09-16a which, if approved, allows the City to enter into a MAP Agreement with the New Mexico Department of Transportation for the reconstruction of JO Gallegos Road (final phase). Mayor Bhasker stated that the total project cost is \$192,691.00 with the NMDOT funding 75% and the City funding 25%.

Councilor Hicks made a motion to approve Resolution No. 13-09-16a. Seconded by Councilor Jaramillo, motion passed unanimously.

d. Resolution No. 13-09-16b – Infrastructure Capital Improvements Plan

Mayor Bhasker presented Resolution No. 13-09-16b which, if approved, authorizes the submittal of the City's 2015-2019 Infrastructure Capital Improvements Plan (ICIP). Mayor Bhasker stated that the top five priorities listed were based on the information that was turned in by the City Council. Mayor Bhasker explained that funding agencies look at the requesting agency's ICIP to make sure projects are listed.

Councilor Romero made a motion to approve Resolution No. 13-09-16b. Seconded by Councilor Monette, motion passed unanimously.

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e. Agreement – City of Socorro & NM Department of Health – Community Transformation Grant

Mayor Bhasker presented a Memorandum of Agreement between the NM Dept. of Health and the City of Socorro. Nadine Ulibarri-Kellar stated that the agreement will run September 27, 2013 through September 27, 2014. Ms. Ulibarri-Kellar stated that Cynthia Connelly continues to be the Coordinator for the grant. Ms. Ulibarri-Kellar stated that the new agreement is for \$40,000 and is based on a deliverable-type contract. Ms. Ulibarri-Kellar stated that the focus of the grant is to promote healthy eating and active living for kids in Socorro County. Ms. Ulibarri-Kellar stated that the community transformation grant is entering its 3rd year and the City will continue to be the fiscal agent for the grant.

Councilor Hicks made a motion to approve the Memorandum of Agreement between the NM Dept. of Health and the City of Socorro. Seconded by Councilor Romero, motion passed unanimously.
Mayor

f. Budget Resolution No. 2 – Socorro County Health Council Grant

Resources are Department of Health Grant – Requirements are Other Administrative Expense – Amount is \$5,000.00 – The resolution is needed to set up a new fund as per the grant award agreement from the Public Health Division for SCOPE.

Councilor Hicks made a motion to approve Budget Resolution No. 2. Seconded by Councilor Pargas, motion passed unanimously.

COMMITTEE REPORTS

a. Animal Shelter Advisory Board - Update

Kathe McLaren, a member of the Animal Shelter Advisory Board, stated that she wanted to clarify a few items that had been incorrect in a letter regarding the role of the Animal Shelter Advisory Board. Ms. McLaren stated that APAS has had a contract with the City dated September 29, 2003 to provide certain services to the City. Ms. McLaren stated that the members of the advisory board have over 40 years combined experience in dealing with animal matters. Ms. McLaren stated that the advisory board advises the Mayor and City Council but does not tell animal shelter employees what to do. Ms. McLaren stated that some advisory board members do volunteer at the shelter. Ms. McLaren stated that the advisory board helped develop an SOP for the animal shelter. Ms. McLaren stated that she feels the animal shelter employees are doing a good job. Ms. McLaren stated that APAS recently paid for one of the shelter employees to attend a workshop in Albuquerque. Ms. McLaren provided an article regarding a trap, neuter and release program. Ms. McLaren stated that the board would be asking the City to allocate more funding towards spay and neuter costs. Mayor Bhasker stated that the City has always supported spay and neuter programs but that it also has to focus on other matters such as enforcement, the need for a new animal control vehicle and help for the animal control officer. Mable Gonzales, Finance Director, stated that the City continues to accept donations on the City utility bills that are designated for the animal shelter.

b. Police Oversight Commissioner Reappointments

Mayor Bhasker stated that he would like to reappoint Betty Salazar, Joe Daniel Saavedra and Gilbert Apps to the Police Oversight Commission for 2 year terms beginning October 1, 2013. Mayor Bhasker stated that he would like to reappoint Chuck Zimmerly and Santiago Naranjo to the Police Oversight Commission for a 1 year term beginning October 1, 2013.

Councilor Hicks made a motion to approve Mayor Bhasker's reappointment of Betty Salazar, Joe Daniel Saavedra, Chuck Zimmerly, Santiago Naranjo and Gilbert Apps to the Police Oversight Commission. Seconded by Councilor Jaramillo, motion passed unanimously.

Mayor Bhasker stated that he would like to appoint David McDaniel and Michelle Herron to the Juvenile Justice Committee. Councilor Hicks made a motion to approve Mayor Bhasker's appointment of David McDaniel and Michelle Herron to the Juvenile Justice Committee. Seconded by Councilor Jaramillo, motion passed unanimously.

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Councilor Hicks stated that he recently attended the Airport Manager's meeting in Ruidoso from September 14th through the 16th. Councilor Hicks introduced Jerry Griego, a member of the Airport Committee, who also attended the meeting. Mr. Griego gave a brief report on the airport and its history. Mr. Griego stated that the airport has 2 runways and 1 heliport pad. Mr. Griego stated that the airport is home to PHI and a local chapter of the Civil Air Patrol. Mr. Griego stated that there are 15 resident pilots. Mr. Griego presented a plaque to Mayor Bhasker which was presented to the City at the Airport Manager's meeting. Mr. Griego stated that the plaque was awarded to the City for event of the year for the M Mountain Fly In. Mr. Griego complimented City employee Richard Chavez for his work at the airport. Mr. Griego stated that he would like to work on promoting Socorro's airport. Mr. Griego stated that the next fly in will be September 28th and Aviation Day will be September 27th.

DEPARTMENT DIRECTOR REPORTS

Jennifer Gonzales, Tourism Director, stated that there the Fox Trot Dance Series will be held on September 20th and the Run for Your Life 5K will be held on September 21st.

Mike Czosnek, Building Inspector, stated that FEMA is requesting more information prior to certifying the levee.

Paula Mertz, Library Director, stated that New Mexico author Bill Dunmeyer will be at the library on September 18th at 7:00 p.m. to discuss his book "New Mexico Livestock Heritage".

NEW BUSINESS

Councilor Romero stated that the Chamber of Commerce will have their member's appreciation day picnic on September 18th from 4:30 p.m. to 7:00 p.m. at the DAV.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. Job Description Approval

Mayor Bhasker presented a new job description for an IT Director for the City of Socorro. Mayor Bhasker reviewed several job duties in the new job description.

Councilor Hicks made a motion to approve the job description for IT Director. Seconded by Councilor Jaramillo, motion passed unanimously.

b. Reporting on Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Valen Alonzo – 9-5-13 – Recreation – Completed Probation – A-17 to A-19

Freddie Martinez – 9-16-13 – Parks – Completed probation – A-17 to A-19

Ray Aragon – 9-16-13 – Gas to Street – Transfer to Street Department Light Equipment Operator – G-26 to G-21

Temporary New Hires: Sergio Cuevas, Nancy Bohling, Michael Padilla

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Richie Chavez, Napoleon Casey, Paul Marquez, Chris Sedillo, Carlos Alvarado, Chris Hobough, Ramiro Garza, Eddie Gonzales, Albert Hernandez, George Romero, Mike Jojola, Elias Jacquez, Dolores Medina, Regina Valencia, Brandon Torres

Student Workers: Angelica Estrada, Matthew Jojola, Tamera Chavez, Maria Alderete, Giovanna Rosas, Angelica Lopez, Deanna Blair

Referees (7), Zumba (2)

Seconded by Councilor Fleming, motion passed unanimously.

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c. Business Registrations

Councilor Hicks motioned to approve the business registrations as read by Mayor Bhasker:

Team A Sales – Out of Town – Albuquerque, NM – Howard Wright – Door to Door Sales (Toys & Books)
Progressive Services Inc. – Out of Town – Phoenix, AZ – Mark Farrell – Roofing Contractor

Seconded by Councilor Monette, motion passed unanimously.

d. Voucher Run

Councilor Monette made a motion to approve vouchers 127329 to 127697 in the amount of \$1,030,628.43, plus Payroll Transfers (\$318,851.39), for a total of \$1,349,479.82. Seconded by Councilor Romero, motion passed unanimously.

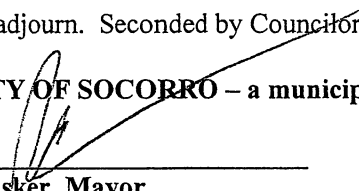
e. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, October 7, 2013 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT


At 7:51 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Monette, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation



Ravi Bhasker, Mayor

ATTEST:



Pat Salome, City Clerk

**City of Socorro
Regular City Council Meeting
October 7, 2013**

Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Peter Romero, Councilor Nick Fleming, Councilor Ernest Pargas, Councilor Michael Olguin, Councilor Toby Jaramillo and Councilor Mary Ann Chavez-Lopez. Councilor Donald Monette and Councilor Gordy Hicks were absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF OCTOBER 7, 2013 CITY COUNCIL MEETING AGENDA

Councilor Romero made a motion to approve the agenda as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. September 16, 2013

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

PUBLIC FORUM

Robert Gonzales thanked the City for the continued support of the Chile Chase Golf Tournament and Chile Harvest Triathlon events. Mr. Gonzales gave an update on both of the events. Mr. Gonzales stated that if the City is able to advertise the events on a billboard, there may be better attendance. Mr. Gonzales also thanked the Tourism Department, Police Department, Fire Department and several other City departments for assisting with the events.

SECOND READING OF ORDINANCES – PUBLIC HEARING & CONSIDERATION OF APPROVAL

a. Ordinance No. 13-09-03 – Land Sale – Durkin Diesel Specialty LLC

Mayor Bhasker presented Ordinance No. 13-09-03 which, if approved, allows the Administration to sell 7.825 acres of City land located west of I-25 near the Lemitar exit (in Lemitar, NM) in the amount of \$115,810.00 to Durkin Diesel Specialty LLC. Mr. Salome stated that the City sold Durkin Diesel a portion of City land at the same site several months ago. Mr. Salome stated that the terms include \$5,790.50 down with the remaining \$110,019.50 (at an interest rate of 5%) being paid by a monthly payment of \$726.08 until the balance is paid in full. Mr. Salome stated that the City no longer has a use for the property as it was originally purchased to be used as a solid waste transfer station. Mr. Salome stated that the City still owns approximately 30 acres in the area.

Councilor Olguin made a motion to go into public hearing. Seconded by Councilor Romero, motion passed unanimously.

There were no comments from the public.

Councilor Olguin made a motion to go back into regular session. Seconded by Councilor Jaramillo, motion passed unanimously.

Councilor Jaramillo made a motion to approve Ordinance 13-09-03. The motion was seconded by Councilor Chavez-Lopez. After a roll call vote, motion passed unanimously.

DISCUSSION AND DELIBERATION

a. Kim Schaeffer – Reading Tutors – Presentation/Request

Kim Schaeffer, a teacher at Cottonwood Valley Charter School, stated that she would like to request that the City allow City employees to leave work for ½ hour per week to go to the school and read to the students in her reading program. Ms. Schaeffer stated that a similar program is being done in Albuquerque between the schools and the Chamber of Commerce. Ms. Schaeffer provided a handout to the Mayor and Council outlining her request. Ms. Schaeffer stated that if the program is successful, she would like to reach out to the business community for additional help and expand the program to the rest of the school district. Mr. Salome stated that he feels as long as employees stay within the time limit, he feels it is something the City could allow as the City allows similar time during blood

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drives. Ms. Schaeffer stated that the best times to tutor would be between 8 a.m. and 11 a.m. and after the noon lunch. Ms. Schaeffer stated that a background check and short training will be required before an employee can tutor. Mayor Bhasker stated that he feels it would be easiest for the employee to try to do the tutoring at the beginning or end of their work day. Some discussion followed.

b. Public Comment – Socorro Electric Cooperative Franchise Agreement

Mayor Bhasker stated that this would be the first of several opportunities the public would have to comment on the franchise agreement process between the City of Socorro and the Socorro Electric Cooperative (SEC). Charlie Wagner, Socorro Electric Cooperative Trustee, stated that his concern is that the SEC is an organization that doesn't operate on a basis that allows them to earn or accumulate any revenue more than what is needed to meet their debt obligations for the following 12 months. Mr. Wagner stated that due to that, the SEC has to operate at cost. Mr. Wagner provided a handout to the Mayor and City Council and read from his handout. Mr. Wagner stated that he feels there was an unauthorized donation made by the SEC to the Socorro Public Library recently of \$1,000 and that all funds in excess of their expenses should be returned to the members of the SEC and not used as donations. Mr. Wagner stated that he would like a copy of the existing franchise agreement as he has been unable to get one from the SEC. Mr. Salome stated that he would provide Mr. Wagner with a copy following the meeting. Mayor Bhasker asked Mr. Wagner if he knew if NM Tech was being charged a franchise fee on the electricity used by NM Tech. Mr. Wagner was unable to provide Mayor Bhasker with the answer he was looking for. Mayor Bhasker stated that he wanted to make sure that the residents of Socorro (residential accounts) were not being overcharged to compensate for other entities not being charged the franchise fee. Mayor Bhasker stated that the City would like to make sure the rates being charged by the SEC are fair. Mr. Salome stated that the City would also like to review how the SEC conducts certain types of business within the City such as pole arrangements or who the SEC is allowing to use the City's easements. Marie Watkins stated that she feels the double line (electric transmission) brought in from Arizona was for the benefit of NM Tech and the VLA but the cost was distributed among the entire membership. Ms. Watkins stated that she feels it would be important for the City to notice those inequities. Ms. Watkins stated that she feels SEC frequently refuses to abide by the "open records" rule. Ms. Watkins stated she feels it is unequal that the SEC would sue the members and have the members pay for the attorney fees. Ms. Watkins requested that the City require "open records" so that if citizens cannot get the information from the SEC, they can get it from the City. Mayor Bhasker stated that Ms. Watkins' suggestion is a very valid point. Charlene West stated that she feels the larger entities (NM Tech, VLA), are getting a "break" on their electric bills and the "smaller" people are paying for it. Mr. Salome stated that the City will never be able to dictate what the rates are going to be, but that when the rates go before the PRC, it will be possible for the City to ask questions at that point and ensure that the proposed rates are fair to everybody. Mr. Wagner stated that once the SEC Board of Trustees submits proposed rates to the PRC, there are 90 days during which consumers can ask questions about the rate increase. Mr. Wagner stated that for residential customers, if 25 people do not file a complaint (or 1% for commercial customers), that rates proposed by the Board will automatically go into effect at the end of the 90 day period. Mr. Wagner stated that if the proper amount of complaints is received, the PRC will hold hearings and suspend the rate increase for 9 months while they do a cost of service study to determine if the rates are fair. Mr. Wagner stated that the SEC publishes the fact that there will be a rate increase but not necessarily the process for customers to complain. Mayor Bhasker stated that his concern is whether the rate structure is being properly applied across the board. Mayor Bhasker stated another issue he is concerned with is that when a person goes into the SEC to turn on services, SEC employees have asked for information that is not acceptable according to PRC laws. Mr. Wagner stated that he also feels the attorneys for the SEC are encouraging people to sue so they can bill for more hours. Mayor Bhasker asked Mr. Wagner if he knew what the cost per kilowatt hour is. Mr. Wagner stated that the retail cost is 12.7 cents per kilowatt hour and that the SEC pays approximately 7 cents per kilowatt hour. Mr. Wagner described in more detail how to arrive at the gross cost of a kilowatt hour and that in comparison, the SEC charges higher than average rates compared to other places in New Mexico. Mayor Bhasker stated that the City is not interested in running the SEC but that there needs to be some stress placed on competition. Mayor Bhasker stated that the City's attorney that is working on the franchise agreement has many years of experience working on these types of agreements. Mayor Bhasker stated that the City will allow the public to review a draft of the franchise agreement before it is approved. Mayor Bhasker thanked everyone for attending the meeting and providing their comments. Mayor Bhasker stated that there will be more opportunities for public comment and hopes that the agreement will be ready for consideration in January or February.

City of Socorro
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c. Resolution No. 13-10-07 – CDBG Policies (Citizen Participation Plan, Section 3 Plan, Fair Housing Plan, Residential Anti-Displacement & Relocation Assistance Plan)

Mayor Bhasker explained that the CDBG Program requires that entities have a Citizen Participation Plan, a Section 3 Plan, a Fair Housing Policy and a Residential Anti-Displacement & Relocation Assistance Plan in place in order to be able to apply for funds. Mr. Salome stated that the resolution presented has been approved by the City Council in previous years and CDBG requests that municipalities periodically reconfirm their approval of the resolution. Jay Santillanes, Division Director, briefly described each policy presented under the resolution.

Councilor Romero made a motion to approve Resolution No. 13-10-07. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

d. Budget Resolutions

1. No. 3 – Joint Enterprise Fund – Fiber Optic Department

Resources are Cash Balance Available – Requirements are Salaries, Short Term Salary Adjustment, PERA, FICA, Group Insurance, Retiree Health Care and Workman's Comp – The amount is \$37,673.00 – The increase is needed to allow for the IT Director salary and fringe.

Councilor Romero made a motion to approve Budget Resolution No. 3. Seconded by Councilor Jaramillo, motion passed unanimously.

2. No. 4 – Community Transformation Grant

Resources are Department of Health Grant – Requirements are School & Per Diem, Other Administrative Expense, Supplies & Materials, Contractual Services, Printed materials and Activities – Amount is \$40,000.00 – The increase is needed to allow for the grant award.

Councilor Romero made a motion to approve Budget Resolution No. 4. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

COMMITTEE REPORTS

None.

NEW BUSINESS

None.

OLD BUSINESS

Mr. Salome stated that in regards to the codification process, the draft provided by the company to the City (which contained a proposed manuscript and pages of direct questions) has been updated and returned to the company for another review. Mr. Salome stated that there may be another draft for review once the suggested changes have been made. Mr. Salome stated that once complete, the book of ordinances will be clean and easy to read.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. Reporting on Personnel Changes

Councilor Jaramillo motioned to approve the personnel changes as read by Mayor Bhasker:

Bert Padilla – 9-5-13 – Landfill – Completed Probation – A-17 to A-19

Carlos Garcia – 9-19-13 – Street – Completed Probation – A-15 to A-17

Jennifer Lopez – 10-8-13 – Library – Completed Probation – A-15 to A-17

Richie Chavez – 10-7-13 – Wastewater – New Hire (WWTP Operator Apprentice) – C-17

Britta Herweg-Samuels – 10-8-13 – Library – New Hire (Youth Services Librarian) – A-32

City of Socorro
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Seconded by Councilor Romero, motion passed unanimously.

b. Business Registrations

Councilor Romero motioned to approve the business registrations as read by Mayor Bhasker:

RJ6 Enterprises Inc. – Out of Town – Las Cruces, NM – Rob Giron – Contractor
BCL Enterprises Inc. – Out of Town – Rio Rancho, NM – Glenn Benedetto – General Construction
High 5 Networks LLC – Out of Town – Rio Rancho, NM – Jason Varley – Cable Contractor for Comcast
Jordan Productions Inc. – Out of Town – Las Vegas, NV (Fairgrounds) – Jody Jordan – Circus
Jeff's Auto – C-2 – 803 Highway 60 – Jeffrey Hines – Automotive Repair
Virgin Mining Company – R-1 (Approved by P&Z) – 901 Sean – Patrick Haynes – Sale of Mineral Specimens
Mariam Funke – R-1 (Approved by P&Z) – 409 Melody Lane – GM Funke – Private Music Lessons

Seconded by Councilor Jaramillo, motion passed unanimously.


c. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, October 21, 2013 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT


At 7:05 p.m., Councilor Olguin motioned to adjourn. Seconded by Councilor Fleming, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation



Ravi Bhasker, Mayor

ATTEST:



Pat Salome, City Clerk

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Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Ernest Pargas, Councilor Nick Fleming, Councilor Mary Ann Chavez-Lopez, Councilor Donald Monette, Councilor Michael Olguin and Councilor Toby Jaramillo. Councilor Peter Romero and Councilor Gordy Hicks were absent.

PLEDGE OF ALLEGIANCE

Brigadier General Judy Griego and Colonel Kenneth Nava led all present in the Pledge of Allegiance.

APPROVAL OF NOVEMBER 18, 2013 CITY COUNCIL MEETING AGENDA

Councilor Monette made a motion to approve the agenda as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

CONSIDERATION OF MINUTES

a. November 4, 2013

Councilor Monette made a motion to approve the minutes as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

PUBLIC FORUM

Judith Gorman, a local resident, stated that she would like to commend the City of Socorro's recycling program which she participates in by taking paper products to the Plaza on the third Saturday of each month. Ms. Gorman stated that she would like to see the City add plastic products to the list of recyclables. Ms. Gorman stated that she has provided information to the Landfill Superintendent about a company that recycles plastic. Mayor Bhasker stated that due to budget reasons, he will be suggesting that the City no longer pick up recyclables at businesses but rather continue to allow businesses to recycle by asking them to drop off their recyclables at the Recycling Center.

DISCUSSION AND DELIBERATION

a. National Guard Armory

1. Colonel Kenneth Nava - Presentation

Colonel Nava introduced Brigadier General Judy Griego, who accompanied him to the Council meeting.

Colonel Kenneth Nava stated that the New Mexico State Armory Board will be considering the donation of the Socorro armory facilities to the City of Socorro. Colonel Nava stated that while a decision regarding the donation has not yet been made, the State Armory Board would like the City to consider a resolution which states the City would accept the donation. Colonel Nava stated that the Sergeant 1st Class Baksala, who is the only employee who currently works in the Socorro Armory, will be moving to Santa Fe. Colonel Nava stated that making the armory a part of the City's newly-constructed recreation facility (which is located) next to the armory would be good for the Socorro community. Mayor Bhasker thanked General Andrew Salas (who was unable to be present) for his assistance and stated that the City would install a plaque in the armory to commemorate the many years it was occupied by the National Guard. Colonel Nava stated that the National Guard would stay active in the Socorro community.

2. Resolution No. 13-11-18a

Mayor Bhasker presented Resolution No. 13-11-18a which, if approved, allows the City of Socorro to accept the donation of the Socorro armory facilities from the New Mexico State Armory Board, if they choose to make the donation.

Councilor Monette made a motion to approve Resolution No. 13-11-18a. Seconded by Councilor Jaramillo, motion passed unanimously.

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b. Resolution No. 13-11-18b – Election Resolution

Mr. Salome presented Resolution No. 13-11-18b for the 2014 Regular Municipal Election. The resolution contains information regarding vacant elective offices, polling places, consolidated precincts, absentee and early voting information, filing day information, voter registration information, designates the method by which voters will cast their votes and how they will be counted. Mr. Salome stated that in order to make the voting process easier on Election Day, the precincts were consolidated into two polling places (Finley Gym and the Youth Center). Mayor Bhasker suggested that the information regarding where to vote be published so that the public is aware of where they have to vote. The resolution was presented and must be approved both in English and Spanish. Election day will be March 4, 2014.

Councilor Monette made a motion to approve Resolution No. 13-11-18b both in English and in Spanish. Seconded by Councilor Jaramillo, motion passed unanimously.

TEMPORARILY ADJOURN REGULAR MEETING

Councilor Monette made a motion to temporarily adjourn the regular meeting. Seconded by Councilor Olguin, motion passed unanimously.

a. CDBG Public Hearing – Public Requests for Future Projects

Councilor Monette made a motion to go into public hearing. Seconded by Councilor Olguin, motion passed unanimously.

Jay Santillanes presented an agenda for the CDBG Application Public Hearing. Mr. Santillanes proceeded to explain each item on the agenda. The agenda was presented as follows:

1. Eligibility Requirements for Application
 - a. Eligible Entities (Mr. Santillanes stated that counties and incorporated municipalities are eligible for funding.)
 - b. Threshold Requirements (Mr. Santillanes stated that projects must be completed by a certain date which has not yet been determined for this cycle. Mr. Santillanes stated that other thresholds are that the current FY budget must be approved, all financial reports must be current, and the audit must be current.)
 - c. Public Hearing (Mr. Santillanes stated that public hearings are required as citizen participation is important and all projects must be submitted by citizens. Mr. Santillanes stated that there will be a total of 3 public hearings.)
 - d. Comprehensive Plan (Mr. Santillanes stated that all projects must be consistent with the comprehensive plan of the entity.)
 - e. ICIP (Mr. Santillanes stated that the project must be listed on the ICIP.)
2. Project must meet a National Objective – Low to Moderate Income; Slum and Blight; Emergency (Mr. Santillanes stated that some projects that meet the national objective of low to moderate income, removal of slum and blight and emergencies are infrastructure, curb and gutter, streets, traffic control devices, utilities, housing, community centers, senior centers, health, social and other recreation activities, emergency-related infrastructure and planning grants. Mr. Santillanes also described colonias projects and ineligible activities.)
3. Project Selection (Mr. Santillanes stated that the City Council chooses the final project.)
4. Survey (Mr. Santillanes stated that once the project is selected, a survey of the area is done in order to determine if the project meets the low to moderate income requirement.)
5. Match (Mr. Santillanes stated that there is a 10% match which must be adopted by resolution by the City Council.)
6. Leveraging (Mr. Santillanes stated that leveraging is putting more towards the match than 10% and that an entity will get more points for leveraging.)
7. Application due date not determined. (Mr. Santillanes stated that the application due date has not yet been determined.)

Mr. Santillanes stated that this was the third and final public hearing for the public requests. Mr. Santillanes opened the floor to the public.

City of Socorro
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Oscar Acosta, a resident of A Street, stated that on behalf of himself and his neighbors, he would like to request a drainage project in the A Street/B Street/Texas Street/Vermont Street area as there are still flooding issues in that area. Mayor Bhasker asked Mr. Santillanes if something could be done for the residents downstream (outflow area near the railroad tracks) from this area that are also having flooding issues due to additional water being directed to the area. Mr. Santillanes stated that as part of the project, the City could ask the engineer to include those concerns when engineering the project. Mr. Santillanes stated that one of the downstream issues was a railroad crossing trestle that was too small for the amount of water that passes through during rains. Some discussion followed.

Councilor Monette made a motion to go out of the public hearing. Seconded by Councilor Fleming, motion passed unanimously.

RETURN TO REGULAR MEETING

Councilor Monette made a motion to return to the regular meeting. Seconded by Councilor Fleming, motion passed unanimously.

DISCUSSION AND DELIBERATION

c. CDBG Project Selection

Mr. Santillanes stated that during three public hearings, there were two projects presented by the public: an A Street/B Street/Texas Street/Vermont Street area drainage project (including engineering for the downstream flooding problem) and a railroad crossing trestle upgrade.

Councilor Monette made a motion to select the A Street/B Street/Texas Street/Vermont Street area drainage project (including engineering for the downstream flooding problem) for the 2014 CDBG project application. Seconded by Councilor Olguin, motion passed unanimously.

Mr. Santillanes stated that he contacted Jay Armijo, from the South Central Council of Governments, regarding attending the Council meeting but had not heard back from him. Mayor Bhasker stated that the SCCOG has, in the past, administered the City's CDBG projects and that he needs the SCCOG to be more efficient (even though they are understaffed) so that there are no findings for City of Socorro projects.

COMMITTEE REPORTS

Councilor Pargas provided a quarterly report for the Socorro County Juvenile Justice Board. Councilor Pargas stated that SCJJB has worked on several items including the creation of a teen court and school truancy issues.

Mayor Bhasker stated that he would like to appoint Tamara Valdez to the Mayor's Drug Task Force for a two year term. Councilor Pargas made a motion to approve the Mayor's appointment of Tamara Valdez to the Mayor's Drug Task Force for a two year term. Seconded by Councilor Fleming, motion passed unanimously.

DEPARTMENT DIRECTOR REPORTS

Mable Gonzales, Finance Director, stated that in 2010, when the City started picking up recycling products from local businesses, there were 66 customers with 118 pick-ups per week. Ms. Gonzales stated that now there are only 20 customers with 40 pick-ups per week. Ms. Gonzales stated that the Juvenile Justice Board would like to apply for a grant and have the City be the fiscal agent of the funds, if awarded. Ms. Gonzales stated that the funds would be used for a SCOPE/MDTF/SCJJB coalition. Ms. Gonzales stated that notification of the grant award will be made on December 16th.

George Van Winkle, Police Chief, provided a handout to the Mayor and Council of Police Department stats from October 2013 (71 arrests, 86 citations, 0 DWI arrests, 258 police reports filed, 31 traffic accidents, 7,770 calls received by dispatch, etc.). Mayor Bhasker asked if the Police Department had seen heroin in the community to which Chief Van Winkle replied that the drug has been found during raids and traffic stops. Councilor Pargas stated that the topic of heroin will be discussed at a future town hall meeting. Chief Van Winkle stated that there had been burglaries around the NM Tech area and that some of the stolen items have been recovered.

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Joe Gonzales, Fire Chief, provided a handout to the Mayor and Council of Fire Department stats from October 2013 (144 ambulance runs, 14 fire calls, etc.). Chief Gonzales stated that he completed the vehicle purchase grant application. Chief Gonzales stated that employee training is ongoing. Chief Gonzales stated that the Fire Department does free wood stove inspections. Chief Gonzales stated that the department is working on the annual service reports.

Jay Santillanes, Division Director, stated that the City has advertised for a 200 x 325 metal cover for the rodeo arena and that bids will be accepted December 18th. Mr. Santillanes stated that Gas Department crews finished the natural gas line replacement on Bullock Avenue and will now start replacing large meters at businesses. Mr. Santillanes stated that City crews will be putting up Christmas lights the Monday after Thanksgiving with the help of the City of Belen (who is providing a bucket truck and operator). Mr. Santillanes stated that he is working with Ross Electric to install a controller box for the light at the south Socorro entrance. Mr. Santillanes stated that the airport crack/fog seal project is complete. Mr. Santillanes stated that Street Department crews finished chip sealing various City streets. Mr. Santillanes stated that a speed bump was installed on Terry Street. Mr. Santillanes stated that MAP funds were received for construction on the final section of JO Gallegos Road. Mr. Santillanes stated that the Gas Department does free carbon monoxide checks for residents.

Pauline Taylor, Wastewater Superintendent, stated that all of the safety ladders had been installed in the SBR's and that the SBR's are now filled up and back on schedule. Ms. Taylor stated that there will be a meeting with the City's engineer to discuss future projects at the wastewater treatment plant.

Jennifer Gonzales, Tourism Director, stated that the Festival of the Cranes will start November 19th and run through November 24th. Ms. Gonzales stated that there will be several other events as part of the Festival of the Cranes event including arts and crafts shows and music. Ms. Gonzales stated that on December 7th, there will be several events including the Electric Lights Parade, Santa on the Gazebo, Luminarias on the Plaza and a hay ride. Ms. Gonzales invited everyone to take a look at the new Tourism Department website (www.socorronm.org) as well as the Facebook page.

Mike Czosnek, Building Inspector, stated that the effective date for the new mapping for FEMA will more than likely be pushed back to January of 2015. Mr. Czosnek stated that he has been working on overgrown weed issues by attempting to contact landowners.

Paula Mertz, Library Director, thanked the Tourism Department for providing gift bags for the recent library director's meeting. Ms. Mertz invited everyone to the Las Cantadas Christmas holiday celebration/89th birthday party of the library on December 17th. Ms. Mertz stated that the library's annual inventory was recently completed. Ms. Mertz stated that the library also has a web page and a Facebook page.

Lloyd Martinez, Parks/Production/Water/Special Projects Superintendent, stated that the installation of water lines and hydrants at the rodeo facility RV park has been completed. Mr. Martinez stated that the next items to be worked on at the RV park are electricity, water/sewer connections, maintenance building and restrooms. Mr. Martinez stated that the water meter replacement project is complete. Mr. Martinez stated that two water meters at NM Tech were replaced. Mr. Martinez stated that water lines were extended on Tenorio Drive. Mr. Martinez stated that braces were installed on the injection points at the arsenic treatment plants. Mr. Martinez stated that work on the panel at the north Cuba Road lift Station is complete and work will now start on the panel at the JO Gallegos Road lift station. Mr. Martinez stated that Parks Department crews have been winterizing City parks and pruning shrubs and trees.

Michael Lucero, Sanitation/Landfill/Recycling Director, stated that the deadline for the final cover was reached and that Marvin Magee, the City's landfill consultant, will be here next week to do the survey which will verify the cover. Mr. Lucero stated that crews continue to haul rock from the rodeo grounds to the landfill. Mr. Lucero stated that crews have been hauling material to build Cell 1, which is east of Cell 2. Mr. Lucero stated that he met with Robyn Harrison who will be putting information regarding recycling in to the City's newsletter. Mr. Lucero stated that there is one solid waste truck that is out of service.

NEW BUSINESS

Councilor Jaramillo stated that there would be Turkey Bingo at Finley Gym on November 22nd and all proceeds would go towards his 44th annual food drive. Councilor Jaramillo thanked the City of Socorro for allowing him to use Finley Gym, for his food drive.

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OLD BUSINESS

Mayor Bhasker stated that in regards to the Socorro Electric Cooperative franchise agreement, he felt he needed to make a comment on the "chaos" of the recent Co-Op election. Mayor Bhasker stated that he has never seen anything like the chaos and partisanship of the recent Co-Op election. Mayor Bhasker stated that in his opinion, the Co-Op may have not followed their own bylaws. Mayor Bhasker stated that the Co-Op bylaws state that mail-in ballots count towards a quorum. Mayor Bhasker stated that the City of Socorro is working on a franchise agreement for a company to sell electricity and the City Council needs to look closely at how the City gives the franchise agreement and what should be asked of the Co-Op in the agreement. Mayor Bhasker stated that members were encouraged to leave the Co-Op meeting in order to eliminate the presence of a quorum. Mayor Bhasker stated that if the City chooses to proceed with the franchise agreement with the Co-op, the public can (by State Statute) request a special election if they disagree. Mr. Salome stated that the franchise agreement should state that the Co-Op is required to comply with all laws as required by the Public Regulation Commission, their corporate status and their status as a cooperative. Some discussion followed.

EXECUTIVE SESSION

Councilor Chavez-Lopez made a motion to go into executive session. Seconded by Councilor Fleming, motion passed unanimously.

Councilor Monette made a motion to go back into regular session. Seconded by Councilor Jaramillo, motion passed unanimously.

Mr. Salome reported out of executive session the discussion of two personnel matters. No action was taken.

MAYOR'S REPORT

a. Christmas Electric Light Parade Permit

Mayor Bhasker stated that the NM Department of Transportation requires the approval of the City Council for the use of California Street for the Christmas Electric Light parade.

Councilor Monette made a motion to approve the Christmas Electric Light parade permit. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

b. Library Board Appointment

Mayor Bhasker stated that he would like to appoint Barbara Oravecez to the Library Board.

Councilor Monette made a motion to approve the Mayor's appointment of Barbara Oravecez to the Library Board. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

c. Organizational Chart – Water/Parks/Special Projects/Production/Wastewater

Mayor Bhasker presented an updated organizational chart (which contains interim positions) for the Water/Parks/Special Projects/Production/Wastewater departments. Mayor Bhasker stated that the updated chart was created in order to help prepare for the future of those departments.

Councilor Monette made a motion to approve the updated organizational chart for the Water/Parks/Special Projects/Production/Wastewater departments. Seconded by Councilor Fleming, motion passed unanimously.

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d. Reporting on Personnel Changes

Councilor Monette motioned to approve the personnel changes as read by Mayor Bhasker:

Bert Padilla – 11-18-13 – Landfill – Promotion to Operator I – A-21 to A-23
Dustin Aldrich – 11-16-13 – Fire – Obtained EMT-I License – C-28 to C-31
Lorenzo Alvarado – 11-4-13 – Sanitation – Obtained CDL License – W-42 to W-44
John Silva – 11-18-13 – Wastewater – Job Description Change to Rodeo Facility/Soccer Fields
Groundskeeper – L-20 to L-23
Joe Melendrez – 11-18-13 – Production – Additional Job Duties – M-47 to M-51
Polo Pineda – 11-19-13 – Tourism to Administration – Transfer from Tourism Dept. to IT
Director/Completed Probation – A-30 to A-42
Lloyd Martinez – 11-18-13 – Water/Special Projects/Production/Parks – Interim Change – CZ-62 to CZ-66

Temporary New Hires: Jeremy Chavez

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Richie Chavez, Paul Marquez, Carlos Alvarado, Ramiro Garza, Albert Hernandez, George Romero, Mike Jojola, Elias Jacquez, Dolores Medina, Regina Valencia, Sergio Cuevas, Nancy Bohling, Michael Padilla

Student Workers: Matthew Jojola, Tamera Chavez, Maria Alderete, Giovanna Rosas, Angelica Lopez, Deanna Blair, Samantha Maldonado

Referees (1), Zumba (2)

Seconded by Councilor Chavez-Lopez, motion passed unanimously.

e. Business Registrations

Councilor Monette motioned to approve the business registrations as read by Mayor Bhasker:

RC Construction Company dba Carson Construction – Out of Town – Mesilla Park, NM – Robert Carson - Construction

Seconded by Councilor Fleming, motion passed unanimously.

f. Voucher Run

Councilor Monette made a motion to approve vouchers 128113 to 128415 in the amount of \$489,483.70, plus Payroll Transfers (\$303,107.07), for a total of \$792,590.77. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

g. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, December 2, 2013 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 7:57 p.m., Councilor Monette motioned to adjourn. Seconded by Councilor Fleming, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

Ravi Bhasker, Mayor

ATTEST:

Pat Salome, City Clerk

City of Socorro
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Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Toby Jaramillo, Councilor Nick Fleming, Councilor Ernest Pargas, Councilor Michael Olguin, Councilor Donald Monette and Councilor Mary Ann Chavez-Lopez. Councilor Peter Romero and Councilor Gordy Hicks were absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

Councilor Hicks arrived.

APPROVAL OF DECEMBER 2, 2013 CITY COUNCIL MEETING AGENDA

Councilor Monette made a motion to approve the agenda as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. November 18, 2013

Councilor Fleming made a motion to approve the minutes as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

PUBLIC FORUM

None.

DISCUSSION AND DELIBERATION

a. Public Comment – Socorro Electric Cooperative Franchise Agreement

Mayor Bhasker stated that this is an opportunity for the public to comment on the franchise agreement process between the City of Socorro and the Socorro Electric Cooperative (SEC). Mayor Bhasker read State Statute 3-42-1 into the minutes:

3-42-1 . Franchises; authorization.

A. A municipality may grant, by ordinance, a franchise to any person, firm or corporation for the construction and operation of any public utility.

B. No franchise ordinance shall become effective until at least thirty days after its adoption, during which time the franchise ordinance shall be twice published in full, not less than seven days apart.

C. If, during the thirty-day period, a petition signed by bona fide adult residents of the municipality equal in number to twenty percent of the number of those who voted at the last regular municipal election, and objection to the granting of the franchise is presented to the governing body of the municipality, the governing body of the municipality shall submit the question of granting the franchise to a vote of the qualified electors at a regular or special municipal election. If the date for the next regular municipal election is not more than ninety days after the date the petition is filed, the question shall be submitted at the regular municipal election; otherwise, a special municipal election shall be held.

D. If a majority of the qualified electors voting on the question favor the granting of a franchise, the franchise ordinance becomes effective. If a majority of the qualified electors voting on the question do not favor granting the franchise, the ordinance is repealed and the applicant for the franchise acquires no rights or privileges.

E. The expense of publishing the franchise ordinance and of holding a special election shall be paid by the applicant for the franchise.

F. No franchise ordinance shall be in effect for more than twenty-five years. The municipality may contract with the public utility for such services as are necessary for the health and safety of the municipality and may pay a sum agreed upon by the contracting parties for such services.

History: 1953 Comp., § 14-43-1, enacted by Laws 1965, ch. 300.

City of Socorro
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Mayor Bhasker stated that he feels it is important for the public to be aware of the statute. Mayor Bhasker opened the floor for comments:

Alvin B. Hickox, from San Antonio, New Mexico stated that he has been a SEC member for over 25 years and became a Socorro Electric Cooperative (SEC) "reformer" on March 27, 2010. Mr. Hickox stated that the question that he has never had answered by the SEC is "Do SEC trustees have the legal right to use member owner funds to prevent member owners from doing what member owners have a lawful right to do?". Mr. Hickox stated that he has written a 67-page search warrant affidavit and provided a copy to the City (filed in the City Clerk's Office under Alvin B. Hickox-Search Warrant Affidavit). Mr. Hickox stated that since the City already provides water services, natural gas services, etc., he feels the City could also provide electricity. Mr. Hickox stated that he does not trust the SEC. Mr. Hickox stated that the "reformers" are making progress but is afraid of regression. Mr. Hickox stated that what he would like to see is "openness". Mr. Hickox gave an example of a time when he needed a list of member owners from the SEC for election purposes and was unable to get one although he felt other people had access to this information. Some discussion followed.

Marie Watkins, from San Antonio, New Mexico, stated that what bothers her is how easily SEC elections, as currently run, can be manipulated. Ms. Watkins stated that the SEC election system is flawed. Ms. Watkins stated that the matter of commercial votes needs to be cleaned up. Ms. Watkins stated that she also has an issue with the SEC disconnect process and large commercial businesses (lines run into the Socorro area that she feels are begin paid for by all members). Ms. Watkins stated that SEC expenditures need to be monitored better. Ms. Watkins stated that the new board should have a right to have the books looked at before they become responsible for the finances. Ms. Watkins stated that she feels the franchise agreement should be a limited agreement, possibly a one-year term. Ms. Watkins stated that there have been 23 out of 38 SEC employees in the last three years that have either quit or been terminated. Some discussion followed.

Mayor Bhasker stated that some of the items that will be discussed with the City's attorney regarding the franchise agreement process will be the 2% franchise fee details and audit details. Mayor Bhasker stated that he is still uncomfortable with the recent election process and the SEC attorney's response to the outcome of the election.

Doug May, from Socorro, New Mexico, asked the question "If the City should take over the electrical franchise for the City, what becomes of those in the outlying areas that are now receiving power from the Co-Op?". Mr. May stated that he is concerned for the whole County. Mayor Bhasker stated that administratively, the City has no intention of taking over the Co-Op. Mayor Bhasker stated that he would like to continue things the way they are but that there will have to be changes.

Paul Stair, from Socorro, New Mexico, stated that the Co-Op has a large capital fund that has accumulated over the past 30 years and he would like to know what they are doing with it and why the funds have not been returned to member owners. Mr. Stair stated that he encourages everyone to attend the monthly board meetings of the SEC. Mr. Stair stated that the Co-Op Board spends funds casually with little justification for the expenses. Mr. Stair stated that he would like to see the Co-Op do analyses prior to spending funds. Mayor Bhasker stated that there should be an audit for the capital credit issue. Mayor Bhasker stated that if the Board were to provide a response to the questions from the public, it would help diffuse some of the concerns.

Mayor Bhasker stated that the City will continue to work towards a franchise agreement with the SEC. Mayor Bhasker stated that the City will compile the concerns of the public and present them to the City's attorney on this matter. Mayor Bhasker stated that an outline will be prepared and be presented to the public for review.

Joseph Herrera, SEC Manager, stated that the SEC is a non-profit organization regulated by RUS. Mr. Herrera stated that annual GAAAP-required audits are conducted. Mr. Herrera stated that Co-Op bankers have to approve capital credit paybacks. Mr. Herrera stated that in regards to the SEC elections, the SEC by-laws "need work" but the by-laws are the SEC's charter and what the SEC has to go by. Mr. Herrera stated that there is some education that needs to be done by the SEC. Mr. Herrera stated that their RUS requirements are strict and that the SEC audits have gotten better. Mr. Herrera stated that the SEC's gross receipts records are submitted annually to the PRC. Mr. Herrera stated that analyses are done for purchases by a purchase bid committee. Mr. Herrera stated

City of Socorro
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that in regards to transparency, he feels member lists are private information. Mr. Herrera stated that in regards to the lawsuit (SEC v. member Owners), cross claims are still being addressed.

Mayor Bhasker suggested that a codification of the SEC's by-laws might be helpful. Mayor Bhasker pointed out that during Mr. Herrera's address of the Council, he did not list the member owners as a party that have to be answered to. Mayor Bhasker stated that the matters surrounding the recent SEC election were, in his opinion, irregular.

Councilor Olguin stated that the issue is trust and asked Mr. Herrera what he plans on doing to help regain public trust. Mr. Herrera stated that the SEC is trying to earn trust by being fair to all the members and that member education may also help. Councilor Hicks asked Mr. Herrera if he had an "open door" policy. Mr. Herrera stated that he has staff to address the concerns of the public and that he is also available to help if needed. Councilor Hicks stated that it might help to put a committee together to look at the by-laws to which Mr. Herrera replied such a committee had been created. Councilor Chavez-Lopez asked how the SEC plans to educate the public to which Mr. Herrera replied radio, newspaper, open houses, notices in the bills, etc. Councilor Jaramillo asked how the SEC tries to contact people who are eligible for capital credit refunds to which Mr. Herrera replied the publication of their names in the Enchantment flyer. Councilor Monette asked who reviews the audits to which Mr. Herrera replied RUS reviews the audit which is prepared by an independent audit company. Councilor Fleming asked how many members there are to which Mr. Herrera replied approximately 9,600. Councilor Fleming pointed out that 9,600 customers accumulate a non-collectible amount of a quarter of a million dollars per year. Councilor Fleming asked who the "bankers" were to which Mr. Herrera replied RUS, the Federal Banking Bureau, CFC and CoBank. Councilor Pargas stated that he would like to see the City have someone available to assist the public with SEC matters that they are unable to resolve at the SEC. Mr. Herrera answered several other questions asked by the Mayor and Council.

Mr. Herrera stated that for large customers (VLA and Walmart) that require additional lines, a line extension policy is followed. Mr. Herrera stated that the policy provides for a "contribution in aid of construction payment". Mr. Herrera stated that the large customers paid for those circuits but if anyone taps off that line within a certain period of time, the SEC will charge the new customer and a refund would go to the large customer who originally made payment. Mr. Herrera stated that the line extension policy is a local policy that has SEC Board and PRC approval.

Mayor Bhasker stated that one of the matters he is concerned about is that the City of Socorro, which is a large part of the Co-Op, is not properly represented on the Board.

Mr. Herrera introduced Ann Dorough, an SEC trustee from Pie Town (District 5). Ms. Dorough stated that she believes the City does have equal representation. Ms. Dorough stated that when the Board re-districted, each district was given approximately 2,000 members. Ms. Dorough stated that the City of Socorro has 2 districts represented by Charlie Wagner and Melissa Amaro and that District 4 is represented by Dave Wade. Mayor Bhasker pointed out that neither Dave Wade nor Charlie Wagner live in the City limits.

Doug Scott, from Socorro, New Mexico, stated that he is currently an SEC reform group member. Mr. Scott stated that a forensic audit to look at all of the numbers has been requested but has not been done. Mr. Scott stated that changing by-laws has been difficult. Mr. Scott stated that the members feel they have been disenfranchised not by the employees or the management but by the SEC Board.

Mable Gonzales, City Treasurer, explained the City's policy on how utility deposits are returned to customers. Ms. Gonzales, as a member owner, stated that she is concerned with employee turnover at the Co-Op. Ms. Gonzales stated that it is hard to train new employees and it is difficult to serve the public with such high turnover.

Mayor Bhasker thanked everyone for the comments.

City of Socorro
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b. Legislative Capital Outlay Requests

Mayor Bhasker stated that he would like to continue to ask the Legislature for funds for the soccer fields/rodeo arena and asked the Council to provide any other legislative requests. Mayor Bhasker stated that there would be a meeting on December 17th at 9:30 a.m. at City Hall with Senator Morales, Senator Sanchez and Representative Tripp and that he would like to provide them with the City's request at that time. Mr. Salome stated that the Council would be asked for their final decision on requests at the next City Council meeting so that a formalized request could be created for the meeting on December 17th.

COMMITTEE REPORTS

Mr. Salome stated that he was reviewing the final draft of the codification book. Mr. Salome stated that the City Council will be asked to approve an ordinance adopting the ordinances as codified.

NEW BUSINESS

Councilor Jaramillo stated that work on his annual food drive has started and he would be advertising the information soon.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. Reporting on Personnel Changes

None.

b. Business Registrations

Councilor Hicks motioned to approve the business registrations as read by Mayor Bhasker:

Dixon Composite Pickups LLC – R-1 (Approved by P&Z) – 1201 Avenida de Pajarito – George Dixon – Guitar Pickups and Audio Electronics

Seconded by Councilor Jaramillo, motion passed unanimously.

c. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, December 16, 2013 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 7:09 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Monette, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

Ravi Bhasker, Mayor

ATTEST:

Pat Salome, City Clerk

City of Socorro
Regular Scheduled City Council Meeting
December 16, 2013

Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Ernest Pargas, Councilor Nick Fleming, Councilor Mary Ann Chavez-Lopez, Councilor Peter Romero, Councilor Michael Olguin and Councilor Toby Jaramillo. Councilor Donald Monette and Councilor Gordy Hicks were absent.

PLEDGE OF ALLEGIANCE

Mayor Ravi Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF DECEMBER 16, 2013 CITY COUNCIL MEETING AGENDA

Councilor Fleming made a motion to approve the agenda as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. December 2, 2013

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

PUBLIC FORUM

Kim Schaeffer, a teacher at Cottonwood Valley Charter School, stated that she attended a City Council meeting in October in order to invite City employees to go to the school and read to the students in her reading program. Ms. Schaeffer stated that the program is going great. Ms. Schaeffer stated that there is one City employee as well as several other Socorro residents that are participating. Ms. Schaeffer invited the City Council to participate in the program. Ms. Schaeffer stated that the Chamber of Commerce will be putting information regarding the reading program in their newsletter. Mayor Bhasker thanked Ms. Schaeffer for the update.

Joe Torres, a resident of Fisher Street, requested that speed bumps be placed on Fisher Street. Mr. Torres stated that speeding has become a problem on the street. Mayor Bhasker asked Mike Winders, Assistance Police Chief, to have officers patrol the area and stated that he would look into the placement of speed bumps in the area.

Sherry Maguire thanked the City of Socorro for providing a space at Finley Gym for yoga classes. Ms. Maguire requested that the City provide staff for cleaning as the area is not being cleaned regularly. Mayor Bhasker stated that he would address the matter.

Nadine Ulibarri-Kellar stated that the Bountiful Baskets program is a food co-op (fresh produce) sponsored by Healthy Kids Socorro County. Ms. Ulibarri-Kellar stated that deliveries will be made January 10th in Magdalena at the Magdalena School building. Ms. Ulibarri-Kellar stated that interested parties order and pay online and that anyone can participate. Ms. Ulibarri-Kellar stated that the program will be coming to Socorro in the future.

DISCUSSION AND DELIBERATION

a. Public Comment – Socorro Electric Cooperative Franchise Agreement

Mayor Bhasker stated that this is an opportunity for the public to comment on the franchise agreement process between the City of Socorro and the Socorro Electric Cooperative (SEC).

Audrey Clifford read a letter that she sent to the SEC on May 3, 2011 regarding a request for capital credits. Ms. Clifford stated that she never received a response from the SEC. Ms. Clifford provided a copy of the letter to the Mayor. Mayor Bhasker thanked Ms. Clifford for her comments. Ms. Clifford's letter will be filed in the City Clerk's Office under "Socorro Electric Cooperative Franchise 2013".

Collette Foard gave a history of Trails End Market, a business (corporation) that she owned and closed in May 2012. Ms. Foard stated that she had over \$26,000 in capital credits with the SEC for the years 1993 through 2012. Ms. Foard stated that she met with Eileen Latasa, of the SEC, and requested a refund and was informed that she had to "die" in order for the capital credits to be collected.

Councilor Hicks arrived.

City of Socorro
Regular Scheduled City Council Meeting
December 16, 2013

Ms. Foard stated that she followed up in-person with an e-mail to the SEC to which she received a reply that said only upon death of a member may the SEC Board authorize payment. Ms. Foard stated that she then went to her attorney who sent a letter to the SEC requesting the payment. Ms. Foard stated that after several letters between her attorney and the SEC attorney, her request was ultimately denied. Ms. Foard stated that she wrote a letter to the State of New Mexico Attorney General's Office who, in turn, wrote a letter to the SEC stating that "it could be considered an unfair trade practice if SEC refuses to retire such credits". Ms. Foard stated that the SEC has still refused to return her capital credits. Ms. Foard stated that at present time, she has filed a complaint with the Secretary of States office and is awaiting a reply. Ms. Foard stated that she also contacted the PRC and RUS with her concerns but was told there was nothing they could do to help. Ms. Foard provided a handout with copies of all her documentation. Ms. Foard's documentation will be filed in the City Clerk's Office under "Socorro Electric Cooperative Franchise 2013".

Ms. Foard stated that the funds belong to the corporation and in order for her to dissolve the corporation, she must collect all assets or the assets will be forfeited. Ms. Foard stated that she feels the SEC attorney would like to go to court on the matter in order to make money. Ms. Foard stated that she does not want to sue the SEC for the payment because the SEC members will ultimately have to pay the legal fees. Ms. Foard stated that she received an anonymous letter telling her to "beware of SEC employees and trustees" and that she is being treated "cold" by some of the people associated with the SEC. Ms. Foard stated that the bylaws are very black and white and that she is owed the money.

Councilor Pargas stated that after the last City Council meeting, where this same topic of discussion took place, an SEC employee approached him at his place of work in an angry manner. Councilor Pargas stated that the SEC employee impeded his ability to work and when attempts were made to remove her from the situation she "went off". Councilor Pargas stated that he was also mentioned in a Letter to the Editor in the local newspaper. Councilor Pargas stated that he does not feel this treatment is warranted. Councilor Pargas stated that trust and good customer service are lacking when it comes to the SEC. Councilor Jaramillo stated that he also was unable to get his capital credits from the business he closed.

Ms. Foard stated that she thinks changes by the SEC need to be done by leverage. Ms. Foard stated that she feels the franchise agreement between the City and the SEC should be done for a one-year term. Ms. Foard stated that she spoke with Board member Ann Dorough and she was not aware of Ms. Foard's situation. Mr. Salome pointed out that the letter the SEC's attorney wrote to the Attorney General's Office states that the "Board" denied Ms. Foard's payment. Mr. Salome asked Charlie Wagner, another SEC Board member who was at the meeting, if he had voted on the matter. Mr. Wagner stated that he had not ever heard the matter at a meeting but that a vote could have taken place during executive session and he was not allowed in executive session.

Mayor Bhasker stated that he would like to see the SEC's bottom line, how the funds are dispersed and whether or not the SEC informs members of their total amount of capital credits.

Ben Hall, PRC Commissioner for District 5 and PRC Chairman, stated that the PRC cannot regulate co-ops other than rates and fees. Mr. Hall stated that the PRC used to be able to look at co-op financials but that the Legislature no longer allows it. Mr. Hall stated that the PRC does listen to all complaints and that he is the one who referred Ms. Foard to the Attorney General's Office. Mr. Hall stated that the PRC will do what it can to help in this situation but that they cannot get involved in the franchise agreement process. Mr. Hall stated that in 2011, the SEC had approximately \$19 million in capital credits. Mr. Hall stated that in 2013, the SEC paid approximately \$1.5 million in capital credits. Mr. Hall stated that the fund should have approximately \$18 million in it but he does not believe the money is there. Mr. Hall stated that the utility bills from the SEC should have each member's capital credit amount listed on the bill. Mr. Hall stated that the PRC does get a copy of the SEC's budget every year but that there is nothing the PRC can do with it. Mr. Hall stated that for rate increase, 25 people can protest and then the PRC can get involved with rate increase matters. Mr. Hall stated that the SEC currently has \$42 million in debt. Mayor Bhasker thanked Mr. Hall for his comments.

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Charlie Wagner, District 2 SEC Trustee, provided a handout to the Mayor and Council. Mr. Wagner stated that he feels all customers should be given a copy of the SEC by-laws. Mr. Wagner read the section of the by-laws that pertain to capital credits. Mr. Wagner stated that when a refund is requested, SEC staff should make the appropriate calculation and present it to the Board to ensure the SEC will not be negatively affected. Mr. Wagner stated that the capital credits are provided by the patrons. Mr. Wagner stated that the SEC, in the past, violated IRS code by not reporting the amount of capital credits to the customers. Mr. Wagner stated that he feels the new trustees, Melissa Amaro and Ann Dorough, will be assets to the board. Mr. Wagner stated that he feels the new board will help create a user-friendly Co-Op and will recognize that the members are in charge. Mr. Wagner stated that the RUS has announced a loan process in support of energy efficient programs sponsored and implemented by electric utilities for the benefit of its customers. Mr. Wagner stated that he feels this change will result in increased employment at the SEC, create economic growth and reduce utility bills.

Mr. Wagner stated that forfeited capital credits go into a Scholastic Scholarship Foundation and that only the SEC Board can award the scholarships. Mr. Wagner stated that he does not know how much is in the Foundation but that it does have an audit done very year. Mr. Wagner stated that if someone can prove they are entitled to funds that have been placed in the Foundation, they will be refunded from the monies in the Foundation. Mr. Wagner stated that customers have a two year period to claim their funds before they are placed in the Foundation.

Mayor Bhasker asked Mr. Wagner to make Eileen Latasa aware that she is more than welcome to address the City Council during a public meeting but that addressing a City Councilor at his place of employment is inappropriate. Mayor Bhasker stated that he sent a letter to the manager, Joseph Herrera, regarding the incident. Mr. Wagner stated that he would follow up on the matter. Mayor Bhasker stated that the Administration would be creating an outline in January to submit to the City's attorney handling the franchise agreement process. Mayor Bhasker thanked everyone for their comments.

b. Engineering Task Order #13-04 – JO Gallegos Road – Final Phase

Mr. Salome presented Task Order #13-04 from Dennis Engineering which includes design and construction phase services to complete the reconstruction of JO Gallegos Road. Mr. Santillanes stated that the amounts for the task order are \$3,220.00 for design phase services, \$27,600.00 for construction phase services and \$1,720.00 for additional services.

Councilor Hicks made a motion to approve Task Order #13-04 from Dennis Engineering. Seconded by Councilor Romero, motion passed unanimously.

c. Legislative Capital Outlay Request

Mayor Bhasker presented a 2014 legislative briefing sheet for the rodeo and athletic facility. Mayor Bhasker also presented a request for the Wastewater Treatment Plant. Mayor Bhasker stated that there would be a meeting on December 17th at 9:30 a.m. at City Hall with Senator Morales, Senator Sanchez and Representative Tripp and that he would like to provide them with the City's requests at that time. Councilor Olguin asked if the two items were on the City's ICIP. The two items are on the City's ICIP in the second (WWTP) and third (Rodeo/Soccer) positions.

Councilor Hicks made a motion to approve the 2014 legislative requests. Seconded by Councilor Romero, motion passed unanimously.

d. OptumHealth Substance Abuse Service Grant Award

Nadine Ulibarri-Kellar stated that the Mayor's Drug Task Force/SCOPE received a \$400,000 grant to be used for prevention relating to underage drinking, underage drinking and driving, adult binge drinking, adult drinking and prescription drug abuse. Ms. Ulibarri-Kellar stated that the grant is for \$100,000 per year for four years. Ms. Ulibarri-Kellar stated that the first six months will consist mainly of training. Councilor Pargas stated that he will present more information at the next City Council meeting.

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December 16, 2013

COMMITTEE REPORTS

None.

DEPARTMENT DIRECTOR REPORTS

Councilor Hicks asked Lloyd Martinez, Parks/Production/Water/Special Projects Superintendent about a water leak to which Mr. Martinez replied the City is working on fixing the leak. Councilor Hicks asked what the City was doing in regards to recent natural gas shortages. Mr. Salome stated that the City has been installing bigger natural gas lines in the area of concern (Bullock Avenue) to help alleviate the problem. Mr. Salome also stated that natural gas flow to Dicaperl is being monitored and stopped when necessary. Councilor Hicks stated that he received a complaint regarding the dry weeds in an empty lot on College Avenue. Mike Czosnek, Building Inspector, stated that he would contact the property owner regarding the weeds.

Mable Gonzales, Finance Director, stated that the City has reached the end of the lease/purchase agreement for the dozer at the landfill and will be determining whether to turn the dozer in or purchase the dozer.

Jennifer Gonzales, Tourism Director, stated that La Pastorela will be held on December 20th at 6:30 p.m. Ms. Gonzales stated that the No Limits Car Show/Toy Drive will be held December 21st at Smith's. Ms. Gonzales stated that the Mariachi Christmas event will be held on December 21st at NM Tech.

Terry Tadano, Chamber of Commerce President, stated that he is retiring and his replacement would be Deb Caldwell. Mr. Tadano stated that Ms. Caldwell will start January 6th and that he will introduce her at the next City Council meeting. Mayor Bhasker stated that he appreciates all of the work Terry has done for the City.

NEW BUSINESS

Councilor Jaramillo stated that his annual food drive would distribute food on December 21st.

Councilor Romero stated that the annual DAV Christmas feast would be held on December 23rd from 11:00 a.m. to 3:00 p.m. and invited everyone to attend.

Mayor Bhasker thanked the City of Belen for providing a bucket truck and two employees to assist the City in placing Socorro's Christmas decorations.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. Reporting on Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Christopher Hobaugh – 11-29-13 – Sanitation – Resignation

Wesley Mauldin – 12-9-13 – Police – Resignation

Alfredo Benavidez – 12-16-13 – Landfill – Obtained Landfill Certification – B-22 to B-24

Temporary New Hires: Jeremy Chavez, Brittany McDaniel

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Paul Marquez, Carlos Alvarado, Ramiro Garza, Albert Hernandez, George Romero, Mike Jojola, Elias Jacques, Dolores Medina, Regina Valencia, Sergio Cuevas, Nancy Bohling, Michael Padilla

Student Workers: Matthew Jojola, Tamera Chavez, Maria Alderete, Giovanna Rosas, Angelica Lopez, Deanna Blair, Samantha Maldonado

Referees (7), Zumba (2)

Seconded by Councilor Jaramillo, motion passed unanimously.

City of Socorro
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e. Business Registrations

Councilor Romero motioned to approve the business registrations as read by Mayor Bhasker:

Allen Douglas Construction – Out of Town – Belen, NM – Corporation – Construction
Girly Girl – C-2 – 101 Manzanares – Vicki Wall – Women’s Clothing
L & R Comm. and Construction Inc. – Out of Town – Los Lunas, NM – Corporation – Communications
Diebold Inc. – Out of Town – N. Canton, OH – Corporation – Sales & Service of Financial Equipment

Seconded by Councilor Chavez-Lopez, motion passed unanimously.

f. Voucher Run

Councilor Hicks made a motion to approve vouchers 128416 to 128714 in the amount of \$616,143.34, plus Payroll Transfers (\$295,558.66), for a total of \$911,702.00. Seconded by Councilor Romero, motion passed unanimously.

g. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, January 6, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 8:05 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Jaramillo, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

/s/ _____
Ravi Bhasker, Mayor

ATTEST:

/s/ _____
Pat Salome, City Clerk

City of Socorro
Regular Scheduled City Council Meeting
February 18, 2014

Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Ernest Pargas, Councilor Nick Fleming, Councilor Mary Ann Chavez-Lopez, Councilor Peter Romero, Councilor Michael Olguin, Councilor Donald Monette and Councilor Toby Jaramillo. Councilor Gordy Hicks was absent.

PLEDGE OF ALLEGIANCE

Mayor Ravi Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF FEBRUARY 18, 2014 CITY COUNCIL MEETING AGENDA

Councilor Monette made a motion to approve the agenda as presented. Seconded by Councilor Romero, motion passed unanimously.

CONSIDERATION OF MINUTES

a. February 3, 2014

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Fleming, motion passed unanimously.

Councilor Pargas reminded the City Council that the minutes are the official record of each City Council meeting and this item on the agenda is the only opportunity to either approve or amend the minutes if they so choose.

Councilor Romero requested a change to the February 3, 2014 minutes. Councilor Romero stated that the item under Committee Reports referring to Lonnie Zamora's UFO sighting should say "50th" rather than "505th". The minutes will be amended to reflect the requested change.

PUBLIC FORUM

Mayor Bhasker introduced Mario Telles, a journalism/communications student from UNM who was recording the City Council meeting for a class assignment. Mr. Telles thanked the Mayor and Council for welcoming him to the meeting.

Dave Finley provided a handout regarding the Civil Air Patrol's Glider Program and gave a brief description of the program. Mr. Finley stated that in 2013, there were 399 glider flights and 220 of those flights were done at Socorro's municipal airport. Mayor Bhasker thanked Mr. Finley for his presentation.

Charles Mandeville stated that he has lived in Socorro for 50 years and has always been interested in the history of the area. Mr. Mandeville stated that he has participated in the Civil War Re-Enactment for 17 years and for 15 of those years, the City provided the event with Lodger's Tax Funds. Mr. Mandeville stated that he provided a request for Lodger's Tax Funds to the Lodger's Tax Committee and his request was approved by the Committee. Mr. Mandeville stated that once the request made it to the Administration, the request was denied and stated that he wanted to know why the request was denied. Mayor Bhasker stated that there were several reasons the Administration denied the request. Mayor Bhasker stated that two years ago, Mr. Mandeville removed the United States flag and placed the Confederate flag upon the City's flagpole without permission and that several citizen complaints were received. Mayor Bhasker stated he feels the re-enactment, as portrayed, has become subjective in nature and only certain ideas about what the Civil War was truly about are being depicted during the local re-enactment. Mayor Bhasker stated that the Civil War Re-Enactment may have their event in the City but that the City cannot financially support the event. Councilor Olguin requested that Mr. Mandeville keep a tally on how many people the event brings into Socorro. Councilor Monette stated that there must be a public awareness regarding events and rules for the events. Mayor Bhasker stated that the City Council can override the Administration's decision (regarding funding) and he would be happy to place the item on the next agenda for consideration as a decision cannot be made under Public Forum. Mr. Salome suggested that Mr. Mandeville provide a list of expenditures to assist the City Council with their decision. Mayor Bhasker stated that while the Lodger's Tax Committee is an advisory committee, the Administration makes the final decision and he would be happy to have the City Council make the final decision regarding this event if they so choose.

City of Socorro
Regular Scheduled City Council Meeting
February 18, 2014

DISCUSSION AND DELIBERATION

a. Amendment to Engineering Agreement – Dennis Engineering – Waterline Replacement Project

Mable Gonzales, Finance Director, presented an amendment to the engineering agreement with Dennis Engineering for the Waterline Replacement Project. Ms. Gonzales stated that the amount of the amendment is \$5,855.74 and the amendment is needed to comply with testing and reports being required by the State Historic Preservation Office for the project.

Councilor Monette made a motion to approve the amendment to the engineering agreement with Dennis Engineering for the Waterline Replacement Project. Seconded by Councilor Romero, motion passed unanimously.

b. Socorro County Substance Abuse Prevention Grant

1. DFL Coordinator Contract

Councilor Pargas stated that the Substance Abuse Prevention Grant requires a program evaluator and that Patricia Lincoln of DFL Associates Inc. is being recommended to fill that position. Ms. Lincoln stated that she is an approved evaluator and her function will be to provide data, provide assessment support, help design the strategic plan, design a logic model and put an evaluation plan in place.

Councilor Pargas made a motion to approve Patricia Lincoln of DFL Associates Inc. to be the program coordinator for the Substance Abuse Prevention Grant. Seconded by Councilor Fleming, motion passed unanimously.

2. SCPC Coordinator Contract

Councilor Pargas stated that the Substance Abuse Prevention Grant requires a program coordinator and that Savannah Morris is being recommended to fill that position. Councilor Pargas stated that the final contract is currently being amended and that a draft was provided to the Councilors in the packets. Ms. Gonzales provided a relationship flow chart showing the different grants that Councilor Pargas has helped acquire for which the City is the fiscal agent. Councilor Pargas stated that he is grateful to the City Council and Administration for supporting the grants.

Councilor Fleming made a motion to approve Savannah Morris as the Substance Abuse Prevent Grant program coordinator. Seconded by Councilor Pargas, motion passed unanimously.

c. Automatic Aid Agreement – Socorro Fire Department

Joe Gonzales, Fire Chief, presented an automatic aid agreement between the Socorro Fire Department, San Antonio Fire Department (Socorro County) and Midway Hose Company (Socorro County). Chief Gonzales stated that the purpose of the agreement is to render automatic aid and assistance to one another in suppressing structural fires and to protect and promote public health, welfare and safety to the citizens.

Councilor Monette made a motion to approve the automatic aid agreement between the Socorro Fire Department, San Antonio Fire Department (Socorro County) and Midway Hose Company (Socorro County). Seconded by Councilor Jaramillo, motion passed unanimously.

d. Voting Machine Use Agreement with Socorro County

Mr. Salome presented an agreement between the City of Socorro and Socorro County that would allow the City to use the County's voting machines for the March 4, 2014 regular municipal election.

Councilor Monette made a motion to approve the voting machine use agreement between the City and the County. Seconded by Councilor Romero, motion passed unanimously.

City of Socorro
Regular Scheduled City Council Meeting
February 18, 2014

e. Resolution No. 14-02-18 – Application for Funding – Drainage System Improvements Project

Mayor Bhasker presented Resolution No. 14-02-18 which, if approved, allows the City to apply for funding from the New Mexico Water Trust Board for a drainage system improvements project for the Cuba Road area.

Councilor Monette made a motion to approve Resolution No. 14-02-18. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

COMMITTEE REPORTS

None.

DEPARTMENT DIRECTOR REPORTS

Mable Gonzales, Finance Director, reminded utility customers about the importance of looking at their utility bill each month to watch the usage for problems such as leaks.

George Van Winkle, Police Chief, provided a handout to the Mayor and Council of Police Department stats from January 2014 (90 arrests, 131 citations, 3 DWI arrests, 219 police reports filed, 11 traffic accidents, 8,234 calls received by dispatch, etc.). Chief Van Winkle reminded the public that damage to or removal of political signs is a crime. Mr. Salome stated that home owners and property owners should be asked before a sign is placed on their property.

Joe Gonzales, Fire Chief, provided a handout to the Mayor and Council of Fire Department stats from January 2014 (145 ambulance runs, 8 fire calls, etc.). Chief Gonzales stated that there will be an ISO audit in May. Chief Gonzales stated that he will receive notification about a vehicle purchase grant in April. Chief Gonzales stated that Chris Padilla will be retiring at the end of February and he will be advertising for two positions. Chief Gonzales stated that Magdalena EMS suspended their certification and the Socorro Fire Department has been responding to their calls.

Jay Santillanes, Division Director, stated that the JO Gallegos Road project is underway and should be completed in 2 to 3 weeks. Mr. Santillanes stated that there are some extra funds from the project and the engineer would be making a recommendation on how to utilize the funds. Mr. Santillanes stated that a possible project could be landscape rock along the sidewalk, fog sealing the road or reconstructing the truck entrance to Super 8. Mr. Santillanes stated that the Gas Department is replacing natural gas lines in the Skylark Street area. Mr. Santillanes stated that natural gas to Dicaperl was turned off briefly when it was cold but that it has already been turned back on and has been in use for about a month. Mr. Santillanes stated that Street Department crews are doing cleanup in the Industrial Park area and by the flood control. Mr. Santillanes stated that Richardson and Richardson is working on the drawings for the rodeo area cover.

Jennifer Gonzales, Tourism Director, stated that she is currently working on the "Visit Socorro" branding and the City's tourism website. Ms. Gonzales stated that she is working on the Heritage Center's displays to make it a more interactive museum. Mayor Bhasker stated that the Tourism Department provided 70 gift bags for a recent Socorro Gun Club event.

Mike Czosnek, Building Inspector, stated that construction started on a new house and that there were 2 more new houses anticipated in March. Mr. Czosnek stated that the remodel of the old Taco Bell has started and that it will soon be a Little Caesar's Pizza. Mayor Bhasker stated that Little Caesar's Pizza is currently accepting job applications. Mr. Czosnek stated that we expect a submittal from FEMA in 10 to 12 days regarding the levy certification. Mr. Czosnek stated that once certified the flood zone area will not expand as was originally suggested by FEMA. Mr. Czosnek stated that the old Motel 6, which will soon be a Rodeway Inn, is bidding for heating and cooling units. Mr. Czosnek also stated that Town and Country Realty is doing an addition to their building.

Paula Mertz, Library Director, stated that the library received the McHune Grant in the amount of \$2,000 which supports the summer reading program. Ms. Mertz stated that the Friends of the Library recently had their annual meeting and program and had 50 attendees. Ms. Mertz stated that she is waiting on a reimbursement in the amount of \$1,670 from GO Bond 10. Ms. Mertz stated that there are tax forms available at the library.

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Lloyd Martinez, Parks/Production/Water/Special Projects Superintendent, stated that water and sewer line installation has been completed at the RV park at the soccer fields/rodeo grounds. Mr. Martinez stated that the modular building will be installed at the soccer fields/rodeo grounds next week. Mr. Martinez stated the bathrooms at the soccer fields/rodeo grounds will be completed mid-April. Mr. Martinez stated that there may be a soccer event at the new soccer fields in March. Mr. Martinez stated that Water Department crews finished installing water connections at the Industrial Park (in preparation of paving the road) and will now start installing sewer connections. Mr. Martinez stated that crews will do a hydrant flush in the spring and also a hydrant inventory. Mr. Martinez stated that the Production Department is upgrading the Hefner lift station and will also work on the JO Gallegos lift station. Mr. Martinez stated that the arsenic treatment plants are operating within guidelines and are running 1/3 below the estimated budget. Mr. Martinez stated that preparation (for summer use) has started on the swimming pool. Mr. Martinez stated that crews will do a spring flush of manholes and spray for cockroaches in the manholes. Mr. Martinez stated that crews are working on blowers and have installed a gas detection alarm at the Wastewater Treatment Plant.

Michael Lucero, Sanitation/Landfill/Recycling Director, stated that all landfill equipment is running properly. Mr. Lucero stated that the tub grinder is currently being repaired. Mr. Lucero stated that crews have been hauling rip rap from the soccer fields, baling tires and picking up litter. Mr. Lucero stated that one of the residential sanitation trucks is being repaired. Mr. Lucero stated that recycling pickup for local business is currently ongoing.

NEW BUSINESS

None.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

In light of recent events, Mayor Bhasker asked Mr. Czosnek to explain the transient vendor process. Mr. Czosnek stated that the City has a transient vendor ordinance which states vacant property owners must apply for a special use permit in order to allow transient vendors to sell merchandise on their property. Mr. Czosnek stated that he had to move several vendors on Valentine's Day who had set up on property that did not have the special use permit. Mr. Salome stated that the ordinance was approved to preserve and protect local businesses who must comply with zoning, etc.

a. Socorro Electric Cooperative Franchise Update – Discussion of Options

Mayor Bhasker stated that he had met with the City's attorney in regards to the SEC franchise agreement, and other general issues, and discussed several options. Mayor Bhasker stated that those options include: 1) leaving everything the way it currently is, 2) try and have a dialogue with the SEC manager to create a new relationship between the City and the Co-Op, 3) put the electric franchise up for bid or 4) have the City purchase that portion of the Co-Op that is inside the City limits. Mayor Bhasker stated that he feels SEC trustees are making decisions that adversely affect Socorro citizens such as holding their meetings on Wednesdays at 10:00 a.m. so not everyone can attend. Mayor Bhasker stated that 4 out of the 5 trustees live outside of the City of Socorro and members in the City are not being served as they should. Mayor Bhasker stated that he would like the City Council to discuss getting an appraisal of that portion of the Co-Op inside the City limits and find out what the debt service is. Mayor Bhasker stated that in 2012, the SEC paid \$14 million for electricity and billed approximately \$24 million. Mayor Bhasker stated that the City has been unable to get any useful information from the SEC. Mayor Bhasker stated that the City can handle the electricity if it has to and if the trustees are unwilling to work with the City, the City may look into purchasing the SEC (within the franchise area). Mayor Bhasker stated that the City of Belen offered their boom truck and helped the City put up Christmas lights because the SEC was unwilling to do so without charging a fee. Mayor Bhasker stated that he feels the SEC must be more responsive to the public. Mayor Bhasker stated that the City's attorney, Nann Winter, has tremendous experience in franchise agreements and is advising the Administration.

City of Socorro
Regular Scheduled City Council Meeting
February 18, 2014

b. Reporting on Personnel Changes

Councilor Romero motioned to approve the personnel changes as read by Mayor Bhasker:

Chris Padilla – 2-28-14 – Fire – Retirement

Humberto Lucero – 3-1-14 – Fire – Completed Probation – A-25 to A-26

Temporary New Hires: Tony Silva, Peter Maldonado

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Paul Marquez, Carlos Alvarado, Ramiro Garza, Albert Hernandez, George Romero, Mike Jojola, Elias Jacquez, Dolores Medina, Regina Valencia, Sergio Cuevas, Angelica Vega, Michael Padilla, Jeremy Chavez, Brittany McDaniel

Student Workers: Matthew Jojola, Tamera Chavez, Maria Alderete, Giovanna Rosas, Angelica Lopez, Deanna Blair, Samantha Maldonado, Geir Hareland

Referees (7), Zumba (2)

The motion was seconded by Councilor Fleming. Councilor Pargas, Councilor Jaramillo, Councilor Olguin, Councilor Fleming, Councilor Monette and Councilor Romero voted in favor of the motion. Councilor Chavez-Lopez abstained from the vote and in accordance with the Governing Body Rules of Procedure, stated that her son was on the list to be approved. Motion passed.

c. Business Registrations

Councilor Monette motioned to approve the business registrations as read by Mayor Bhasker:

Scooter's Computers – C-2 – 1101 State Road 1 – Corporation – Service

Rick Blank – Out of Town – Duchesne, UT – Rickey Griffin – Blanket Sales

Pat Alexander Enterprises – Out of Town – Albuquerque, NM – Corporation - Contractor

Seconded by Councilor Chavez-Lopez, motion passed unanimously.

d. Voucher Run

Councilor Fleming made a motion to approve vouchers 128959 to 129299 in the amount of \$1,166,880.47, plus Payroll Transfers (\$311,165.57), for a total of \$1,478,046.04.

The motion was seconded by Councilor Pargas. Councilor Pargas, Councilor Jaramillo, Councilor Chavez-Lopez, Councilor Fleming, Councilor Monette and Councilor Romero voted in favor of the motion. Councilor Olguin abstained from the vote (no reason given). Mr. Salome stated that the abstention (on the voucher run) must be for a financial reason or other conflict of interest. In contrast to Councilor Chavez-Lopez (above) and to the City's Governing Body Rules of Procedure, no reason for abstaining was given by Councilor Olguin, therefore, no reason is being recorded in the minutes to support and explain the official action. Motion passed.

e. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, March 3, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 7:50 p.m., Councilor Monette motioned to adjourn. Seconded by Councilor Fleming, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

/s/ _____

Ravi Bhasker, Mayor

ATTEST:

/s/ _____

Pat Salome, City Clerk

City of Socorro
Regular City Council Meeting
March 3, 2014

Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Toby Jaramillo, Councilor Nick Fleming, Councilor Ernest Pargas, Councilor Michael Olguin, Councilor Gordy Hicks, Councilor Peter Romero and Councilor Mary Ann Chavez-Lopez. Councilor Donald Monette was absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF MARCH 3, 2014 CITY COUNCIL MEETING AGENDA

Mayor Bhasker stated that he would like to add Resolution No. 14-03-03b (request for MAP funding) to the agenda.

Councilor Fleming made a motion to approve the agenda as amended. Seconded by Councilor Jaramillo, motion passed unanimously.

Councilor Monette arrived.

CONSIDERATION OF MINUTES

a. February 18, 2014

Councilor Jaramillo made a motion to approve the minutes as presented. Seconded by Councilor Fleming, motion passed unanimously.

Mayor Bhasker stated that the February 18, 2014 minutes reflect that Councilor Olguin abstained from a vote regarding the voucher run without providing a reason. Mayor Bhasker explained that the Governing Body Rules of Procedure, which are approved by the Governing Body, state that an abstention must be followed by a reason for the abstention. Mayor Bhasker asked Councilor Olguin to provide his reason for abstaining from voting on the voucher run. Councilor Olguin asked whether or not he needed to answer the question. Mr. Salome explained that at the same meeting, Councilor Chavez-Lopez abstained from voting on the personnel changes and stated that the abstention was because her son was on the list. Mr. Salome stated that Councilor Chavez-Lopez's abstention was done in conjunction with the Governing Body Rules of Procedure and duly noted. Mr. Salome read that section of the Governing Body Rules of Procedure that applies to voting. Mr. Salome stated that without a reason, there is no way to tell if Mr. Olguin is abstaining from the entire voucher run or a portion of the voucher run. Mr. Salome stated that the purpose of an abstention is to clearly and openly identify the conflict. Councilor Olguin did not comment further and did not provide a reason for the abstention.

PUBLIC FORUM

Mayor Bhasker introduced Representative Don Tripp. Representative Tripp stated that the Legislature just completed a 30-day session. Representative Tripp provided a handout regarding capital outlay projects for Socorro. Representative Tripp stated that the City of Socorro received \$300,000 for the rodeo and soccer facilities and \$400,000 for upgrades to the wastewater treatment plant. Representative Tripp stated that other projects receiving funding include \$100,000 for road improvements to Enterprise Road/Grefco Road and \$1,000,000 for the San Acacia Levee project. Representative Tripp also discussed the sole community provider issue and how it affects Socorro General Hospital, the status of the lottery scholarship and the hold harmless rule. Mayor Bhasker stated that the two projects the City received funding for are on the City's ICIP. Mayor Bhasker thanked Representative Tripp for providing the update.

Mike Alderete, of the City's Parks Department, stated that the City's Parks Department had been given a plaque from AYSO in appreciation for the City's work on the soccer fields. Dennis Walsh, AYSO President, stated that the new soccer fields are great and the soccer program could not work without the help of the City of Socorro. Mayor Bhasker stated that the new lighting at the soccer fields would be turned on after the Council meeting and invited everyone to go view the lighted fields.

City of Socorro
Regular City Council Meeting
March 3, 2014

Brad Winton, soccer coach at NM Tech, stated that NM Tech would be hosting a one-day tournament in late March with teams from Colorado and Texas and they are excited to use the new fields. Mr. Winton stated that in the future, he would like to have the tournament be at least two days long.

Mr. Alderete also introduced Mike Gaines, a teacher at Socorro High School. Mr. Alderete stated that Mr. Gaines and his class recently made two signs for Sedillo Park. Mr. Gaines stated that the new vocational building at Socorro High School houses several classes including wood shop, auto shop, agricultural mechanics, metals, welding, FFA leadership, etc. Mr. Gaines stated that his class used a plasma cutter to make the signs for the City and that his class would be happy to assist with more signs if the City ever needs any. Mr. Gaines stated that the purpose of the new vocational classes is to promote additional education for the students to make them employable. Mr. Gaines provided a handout listing the classes available. Mayor Bhasker stated that it is great that Socorro Schools offer vocational training for students. Mayor Bhasker thanked Mr. Gaines and his class for providing the new signs for Sedillo Park.

James Cherry, the webmaster for www.informedcynic.com, provided the Mayor and City Council with a packet of information which includes information regarding the Socorro Electric Cooperative.

Charlie Wagner, a Socorro Electric Cooperative Trustee, read a letter on behalf of Joseph Herrera, SEC General Manger, in which Mr. Herrera requests use of Finley Gym for the April 26, 2014 annual member meeting.

DISCUSSION AND DELIBERATION

a. Representative Don Tripp – Legislative Update on Funding for City's ICIP

See Public Forum above.

b. Funding for Civil War Re-Enactment Event – Charles Mandeville

There was not a representative from the Civil War Re-Enactment present at the City Council meeting, therefore, the topic was not discussed.

c. Socorro Electric Cooperative Franchise Agreement/Acquisition - Discussion

Mayor Bhasker stated that after attending a recent Socorro Electric Cooperative board meeting, and after hearing the issues brought forth during a series of public comments during City Council meetings, he feels the City should consider acquiring the Socorro Electric Cooperative (City limits) rather than spending money on updating the franchise agreement. Mayor Bhasker stated that 4 out of 5 of the SEC trustees live outside of the City limits and he feels the City of Socorro is not well-represented. Mayor Bhasker stated that he has spoken with Larry McGraw of USDA and Sandy Jones of the PRC regarding his concerns about the SEC. Mayor Bhasker stated that the City of Socorro has eminent domain over that part of the SEC that is in the City limits. Mayor Bhasker stated that the City could also do a referendum and ask the public. Mayor Bhasker stated that a feasibility study would need to be completed. Mayor Bhasker stated that he would like to have input from the City Council as to how they would like to proceed.

Charlie Wagner, a current SEC trustee, stated that the City has other options including inviting another provider into Socorro or merging with another cooperative. Mr. Wagner stated that the membership, and not the SEC Board of Trustees, should be writing the by-laws of the SEC.

Mayor Bhasker stated that he would invite the City's attorney, who was originally contracted to assist with the franchise agreement, to speak at a City Council meeting regarding the City's options.

City of Socorro
Regular City Council Meeting
March 3, 2014

d. Resolution No. 14-03-03a – Socorro Mental Health/PMS Ground Lease Transfer

Mayor Bhasker presented Resolution No. 14-03-03a which, if approved, would transfer the assignment of the Socorro Mental Health grounds lease to Presbyterian Medical Services.

George Zamora, with the Socorro Mental Health Foundation, stated that the SMHF has been a community-based mental health services provider in Socorro for over 20 years. Mr. Zamora stated that the SMHF building is located on City property. Mr. Zamora gave a brief history of SMHF and the programs that they offer. Mr. Zamora stated that in recent years, due to cut-backs in funding, SMHF programs and staff are facing cuts in order to remain viable. Mr. Zamora stated that the SMHF Board started to look for outside funding sources and found a partner in Presbyterian Medical Services.

Genevieve Robran, Regional Director for PMS, stated that PMS is happy to be partnering with SMHF. Ms. Robran stated that PMS is attempting to retain SMHF staff. Ms. Robran stated that PMS also has a clinic at Socorro High School.

Mayor Bhasker thanked SMHF for the services that have been provided to the Socorro community for many years. Mayor Bhasker stated that through the transfer of the lease and as per the lease, he would like to see PMS continue to offer mental health service. Mayor Bhasker stated that the City's attorney had not yet seen the transfer but that he would be given a copy for review. Mr. Salome stated that the resolution also authorizes Mayor Bhasker to execute the consent assignment.

Councilor Monette made a motion to approve Resolution No. 14-03-03. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

6e. Resolution No. 14-03-03b – Request for MAP Funding

Jay Santillanes, Division Director, presented Resolution No. 14-03-03b which, if approved, allows the City to prepare and submit an application to the New Mexico Department of Transportation for Municipal Arterial Program funding. Mr. Santillanes stated that if awarded, the funds will be used to plan, design and reconstruct Fairgrounds Road from State Road 1 to the rodeo/soccer field facility. Mr. Santillanes stated that he would add some additional details to the resolution to include more of a description of the work to be done.

Councilor Hicks made a motion to approve Resolution No. 14-03-03b. Seconded by Councilor Monette, motion passed unanimously.

COMMITTEE REPORTS

Councilor Hicks stated that approximately 7 pilots came to Socorro to do some training recently at the City's airport. Councilor Hicks stated that the pilots complimented the airport and stated that they would like to see wi-fi there. Mr. Santillanes stated that he is in the process of getting wi-fi set up at the airport.

NEW BUSINESS

Councilor Chavez-Lopez stated that the El Camino Real Housing Authority is having a poster contest for youth in grades 1 through 8. Councilor Chavez-Lopez stated that the theme of the contest is "Everyone is Welcome in My Neighborhood" and that prizes will be awarded.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

City of Socorro
Regular City Council Meeting
March 3, 2014

MAYOR'S REPORT

a. Reporting on Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Steven Kimbrell – 2-3-14 – Police – Resignation

Jaime Hidalgo – 2-28-14 – Gas - Resignation

Seconded by Councilor Jaramillo, motion passed unanimously.

b. Business Registrations

Councilor Hicks motioned to approve the business registrations as read by Mayor Bhasker:

Sefnco Communications Inc. – Out of Town – Centennial, CO – Corporation – Construction

JH Construction Inc. – Out of Town – Belen, NM – Corporation - Construction

Seconded by Councilor Monette, motion passed unanimously.

c. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, March 17, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 7:28 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Jaramillo, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

/s/ _____

Ravi Bhasker, Mayor

ATTEST:

/s/ _____

Pat Salome, City Clerk

City of Socorro Regular Scheduled City Council Meeting
City Hall, 111 School of Mines Road, Socorro, NM 87801
April 21, 2014

Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Donald Monette, Councilor Peter D. Romero, Councilor Toby Jaramillo, Councilor Gordy Hicks, Councilor Ernest Pargas, Councilor Mary Ann Chavez-Lopez and Councilor Nick Fleming. Councilor Michael Olguin Jr. was absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF APRIL 21, 2014 CITY COUNCIL MEETING AGENDA

Councilor Hicks made a motion to approve the agenda as presented. Seconded by Councilor Romero, motion passed unanimously.

CONSIDERATION OF MINUTES

a. April 7, 2014

Councilor Hicks made a motion to approve the minutes as presented. Seconded by Councilor Romero, motion passed unanimously.

PROCLAMATIONS AND AWARDS

a. Mayoral Proclamation – National Service Recognition Day

Mayor Bhasker presented a proclamation declaring April 1, 2014 as National Service Recognition Day which recognizes the positive impact of national service and local volunteerism. Mayor Bhasker stated that there are several volunteer organizations in Socorro including the Foster Grandparent Program, Library Board, Lions Club, El Puente, etc.

b. Proclamation – National Every Kid Healthy Week

Mayor Bhasker presented a proclamation declaring April 21, 2014 through April 25, 2014 as National Every Kid Healthy Week. The proclamation encourages exercise and nutrition in the hope of achieving health goals for Socorro's youth. Mayor Bhasker stated that there are many activities for the youth in Socorro including the swim team, soccer, baseball, etc.

PUBLIC FORUM

Dave Finley invited everyone to the Civil Air Patrol Open House on April 26, 2014 from 10:00 a.m. to 4:00 p.m. at the City's Airport. Mr. Finley gave a brief explanation on the background of the Civil Air Patrol.

Marie Watkins stated that she reviewed a report from District 4 of Socorro Electric Cooperative residential members and found out that of 2,068 members, there were 292 duplicate members. Ms. Watkins stated that the reduced number of members reduces the number of members required for a quorum. Ms. Watkins stated that she feels since the SEC provides Automated Election Services with the member lists, the SEC can alter what is given for quorum purposes. Ms. Watkins stated that there is an article in The New Mexican regarding the Mora/San Miguel Co-Op who recently fired their manager and their attorneys who are the same attorneys used by SEC. Ms. Watkins stated that the SEC sponsors a trip to Washington DC for high school students who enter a contest by writing an essay. Ms. Watkins stated that last year, the trip was awarded to SEC employee Eileen Latasa's grandson and this year the trip was awarded to Ms. Latasa's granddaughter. Ms. Watkins stated that she contacted the high schools and they were not aware of the essay contest for students. Ms. Watkins stated that this matter is being investigated. Mayor Bhasker stated that he will invite the attorney who is assisting the City on the franchise agreement for the SEC to a future City Council meeting to discuss whether or not the City should try to acquire the SEC or develop a franchise agreement. Mayor Bhasker stated that the City will try to get the pros and cons of both of those options. Some discussion followed.

City of Socorro Regular Scheduled City Council Meeting
City Hall, 111 School of Mines Road, Socorro, NM 87801
April 21, 2014

Deborah Dean stated that there were issues with parking for the carnival that was in Socorro the previous weekend. Ms. Dean stated that people who went to the carnival parked at the Alamo Arts Center which was unfortunate because the Arts Center had an event over the weekend. Mr. Salome stated that prior to setting up, carnival staff must come to City Hall and provide a copy of the certificate from the state and a copy of their liability insurance. Mr. Salome stated that in the past, parking arrangements have been made by carnival staff but getting patrons to use the designated parking has been difficult. Mr. Salome stated that to better manage the issues surrounding a carnival and similar businesses, the City Council would have to pass a license ordinance outlining regulations for certain types of businesses. Some discussion followed.

Deb Caldwell, Chamber of Commerce Director, along with Susanne Mikkelson, stated that the Chamber applied for a grant which, if awarded, would allow the creation of a pilot program to provide 10 to 20 kids with skills to help them become employable. Ms. Caldwell stated that each kid would be provided with a mentor and they would be placed in internships in local businesses. Mr. Salome stated that the City hires approximately 70 kids for the summer youth employment program and asked Ms. Caldwell if they would be willing to talk to the kids at the orientation about preparing for their new jobs. Ms. Mikkelson stated that she has been working with Mable Gonzales, City Treasurer, on the NM Clean and Beautiful Grant and would like to meet with the Mayor regarding the Co-Op Grant. Ms. Caldwell stated that the Chamber has been assisting the City with various items in the Tourism and Recreation departments. Ms. Caldwell stated that the Chamber would be willing to help manage major events if the City needed the assistance in the future.

DISCUSSION AND DELIBERATION

a. Final Change Order & Project Acceptance – JO Gallegos Road MAP Project – Dennis Engineering

Steve Williams of Dennis Engineering presented a letter which recommends the City of Socorro accept the JO Gallegos Road MAP Project as complete and further recommends the issuance of final payment to Albuquerque Asphalt Inc. in the amount of \$4,929.70. Mr. Williams stated that the City's acceptance should be made contingent upon the NMDOT's acceptance of the project and that a final inspection by NMDOT has been scheduled for April 29, 2014. Mr. Williams reviewed total project costs and total funding for the project.

Councilor Romero made a motion to accept the project as complete (contingent upon the NMDOT's acceptance of the project) and to issue final payment to Albuquerque Asphalt Inc. in the amount of \$4,929.70. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

b. Budget Resolution No. 13 – Wastewater Improvement Fund

Resources are Transfer from Joint Enterprise Water – Amount is \$35,000.00 – The increase is needed to allow for cash balance available. Ms. Gonzales stated that the funds will allow for payment for engineering prior to the construction of the Hope Farms Road Wastewater Expansion project.

Councilor Hicks made a motion to approve Budget Resolution No. 13. Seconded by Councilor Jaramillo, motion passed unanimously.

COMMITTEE REPORTS

Councilor Romero stated that he spoke to Adam Edwards from the company who is assisting the City with the Vietnam Veterans Memorial. Councilor Romero stated that Mr. Edwards advised that the City can get started with pouring the footings for the memorial. Mayor Bhasker stated that the City is also placing metal art commemorating all of the military branches at the park. Some discussion followed.

Councilor Fleming stated that the Budget Committee continues to meet and that the committee will hold the public hearings soon.

Councilor Hicks stated that it is the 50th anniversary of Lonnie Zamora's UFO sighting and he is currently creating something that he would like placed at the site. Mayor Bhasker stated that on the anniversary, which is April 24th, he would like to invite the family of Mr. Zamora to the site to take photos. Mayor Bhasker stated that there was recently a film crew in Socorro filming a story about the event.

City of Socorro Regular Scheduled City Council Meeting
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April 21, 2014

Councilor Pargas stated that the third Maze of Life event had taken place and it was a very successful event. Councilor Pargas stated that juniors and sophomores participated in the event.

Councilor Romero stated that the acquisition of the National Guard armory is approximately 90% complete and that the process should be complete in the next couple of months.

Mayor Bhasker stated that there was a tragic event that occurred recently and that there have been questions surrounding the incident. Mayor Bhasker urged those that have questions to ask those questions to the Police Oversight Commission or City Hall. Mayor Bhasker stated that he feels there is no question as to what occurred and that the Police Department handled the matter properly. Mr. Salome stated that the City's attorney is currently handling a request to inspect public records regarding the matter. Mr. Salome stated that public records cannot be released until an active investigation is closed.

Councilor Jaramillo thanked City crews for keeping Clarke Field clean.

DEPARTMENT DIRECTOR REPORTS

Mable Gonzales, City Treasurer, stated that the Budget Committee continues to meet and will have a public hearing on May 1st at 6:00 p.m. at City Hall. Ms. Gonzales stated that the Lodger's Tax Advisory Board will meet April 22nd at 5:30 p.m. at City Hall and that the public hearing for the Lodger's Tax Advisory Board will be April 29th at 5:30 p.m. at City Hall. Ms. Gonzales stated that she will be advertising these meetings.

Paula Mertz, Library Director, stated that kids can sign up for the summer reading program starting June 2nd. Ms. Mertz stated that Tax Help NM assisted approximately 118 people with their taxes this year while using the library's facilities. Ms. Mertz stated that the Friends of the Library made \$1,800 during their book/bake sale.

George Van Winkle, Police Chief, provided a handout to the Mayor and Council of Police Department stats from March 2014 (110 arrests, 161 citations, 4 DWI arrests, 255 police reports filed, 16 traffic accidents, 4,692 calls received by dispatch, etc.). Chief Van Winkle stated that the number of calls listed on the handout is reduced due to the new dispatch system that is in place (the number of calls is the same but how the system counts the calls has changed). Chief Van Winkle stated that the school resource officer will be giving brochures out at the local schools regarding pet education.

Polo Pineda, the City's IT Director, stated that the City is webcasting City Council meetings but that there are still minor issues to address. Mr. Pineda stated that the City is looking into upgrading the phone system. Mr. Pineda stated that the City's internet needs to be upgraded to adequately handle the amount of usage. Mr. Pineda stated that the GPS units are installed and currently being used. Mr. Salome stated that he would be presenting a GPS resolution/policy at the next City Council meeting.

Lloyd Martinez, Parks/Production/Water/Special Projects Superintendent, stated that water and sewer connections are complete at the rodeo grounds. Mr. Martinez stated that the electrical panels will be installed there soon. Mr. Martinez stated that construction on the bathrooms has started and that the modular building was moved in that day. Mr. Martinez stated that the recent tournament at the new soccer fields was a success and he received positive feedback from people who attended the event. Mr. Martinez stated that a pressure release valve was installed behind the armory to lower the water pressure (from 100 psi to about 55 psi) in the airport area. Mr. Martinez stated that Parks Department crews got Sedillo Park ready for the Easter Egg Hunt the prior weekend and the upcoming Cinco de Mayo event. Mr. Martinez stated that the wastewater treatment plant will need extensive rehabilitation. Mr. Martinez stated that he is working on the design of the footings for the Vietnam Veterans Memorial.

Michael Lucero, Sanitation/Landfill/Recycling Director, stated that crews at the landfill are placing rip rap on the slope, grinding tree limbs and hauling rock from the rodeo grounds. Mr. Lucero stated that there is one sanitation truck currently undergoing maintenance. Mr. Lucero stated that normal operations continue in the Sanitation and Recycling departments.

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Jay Santillanes, Utilities Division Director, stated that the Street Department is currently chip sealing several City streets. Mr. Santillanes stated that the Gas Department is currently replacing natural gas meters and will continue to replace natural gas lines. Mr. Santillanes stated that north Melody Lane is closed as there is a large hole in the road and City crews will work with the Middle Rio Grande Conservancy District to repair the hole. Mr. Santillanes stated that the contractor will start on the construction of the rodeo arena cover next week and that construction should be complete by September 1st.

Mike Czosnek, Building Inspector, stated that the City's levy certification should be complete in the next couple of months. Mayor Bhasker asked Mr. Czosnek to explain the complaint process for citizens who have issues with weeds, abandoned cars, etc. Mr. Czosnek stated that once a complaint is received, he determines who the owner of the property is and sends them a letter with a cleaning cost which has been determined by a contractor. Mr. Czosnek stated that the owner is given 15 days to clean the area and if not addressed, the City cleans the lot and sends the owner a bill. Mr. Czosnek stated that if the bill is not paid by the owner, a lien is placed on the property.

Cynthia Connolly stated that she is working on the 5-1-2-0 program again this year at Parkview and Midway elementary schools. Ms. Connolly stated that approximately 60 kids recently participated in Bosque Clean Up Day. Ms. Connolly stated that there will be a tree planting for Arbor Day on April 25th at Parkview School.

NEW BUSINESS

Councilor Chavez-Lopez stated that Ortega Road needs "Children at Play" or "Slow" signs.

Councilor Pargas stated that he would like to place the selection of a Mayor Pro-Tem on the next agenda. Councilor Pargas stated that he feels it is a good idea for other Councilors to be cross-trained in that position. Councilor Monette asked that the list of previous committee positions be provided so that they can be compared to the current committee positions. Councilor Monette stated that since changes are being made, maybe some of the committee positions that were not changed should be changed. Mayor Bhasker stated that as Mayor, committee appointments are his responsibility.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

Mayor Bhasker stated that there was a miscalculation on an electric meter at the wastewater treatment plant. Mayor Bhasker stated that the back-billing of approximately \$70,000.00 was placed on the City's bill from the SEC. Mayor Bhasker stated that the City sent the SEC a letter asking for an explanation of the back-billing. Mayor Bhasker stated that the City has not yet received a response to the letter.

a. Organizational Chart – Community Services Division (Recreation & Tourism)

Mayor Bhasker reviewed a new organizational chart which includes the Recreation Department, Youth Center and the Tourism Department as well as new job descriptions for Sports Coordinator (Seasonal), Tourism Clerk and Community Services Superintendent. Mayor Bhasker stated that the Administration is trying to consolidate what is currently in place and that the Chamber of Commerce could assist the City with events if needed. Mr. Salome stated that as the City's personnel changes, the Administration tries to maximize the resources currently in place by altering flow charts. Some discussion followed.

Councilor Hicks made a motion to approve the organizational chart and job descriptions. The motion was seconded by Councilor Jaramillo.

Councilor Monette stated that he was not sure if the item could be considered under Mayor's Report. Mr. Salome stated that the change is an administrative one that has been shared with the City Council so that the minutes provide a permanent record of all administrative changes. Mr. Salome stated that item could be included under Discussion and Deliberation if the City Council so chooses.

City of Socorro Regular Scheduled City Council Meeting
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April 21, 2014

Councilor Hicks made a motion to postpone consideration to the next City Council meeting. Seconded by Councilor Jaramillo, motion passed unanimously.

b. Committee Appointments – Committee to Discuss Goals & Objectives for New Police Chief

Mayor Bhasker stated that in light of the current Police Chief retiring in June, he would like to appoint a committee to create a list of goals and objectives for the new Police Chief. Mayor Bhasker stated that he would like to appoint Councilor Jaramillo (as Chair), Councilor Chavez-Lopez and Councilor Pargas to the committee. Mayor Bhasker stated he would like the committee to bring their list of goals and objectives to the City Council for consideration. Mayor Bhasker stated that any of the City Councilors are welcome to participate. Mayor Bhasker stated that he hopes the public would submit their ideas to the committee. Mayor Bhasker stated that he would like to have the list ready prior to the Police Chief retiring in June. Mr. Salome stated the City Council would vote on the list as a whole and then it is up to the Mayor to hire a Police Chief with those goals and objectives in mind. Some discussion followed.

c. Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Richard Lopez – 4-18-14 – Police – Resignation
Britta Herweg-Samuels – 4-22-14 – Library – Completed Probation – A-32 to A-34
Richie Chavez – 4-21-14 – Wastewater – Completed Probation – C-17 to C-19
Humberto Lucero – 4-16-14 – Fire – Certification (EMT-B) – A-26 to A-27
Ruby Lopez – 4-1-14 – Finance – Additional Job Duties – E-30 to E-35
Deanna Saenz – 4-1-14 – Finance – Additional Job Duties – B-26 to B-30
Jeanette Lukesh – 5-1-14 – Finance – Merit/Keep Flow Chart Alignment – G-29 to G-30
Dustin Aldrich – 4-1-14 – Fire – Certification (FFII) – C-31 to C-34

Temporary New Hires: Eric Sewell
Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Paul Marquez, Carlos Alvarado, Ramiro Garza, Albert Hernandez, George Romero, Mike Jojola, Elias Jacquez, Tony Silva, Regina Valencia, Sergio Cuevas, Angelica Vega, Michael Padilla, Jeremy Chavez, Brittany McDaniel, Ryan Romero
Student Workers: Matthew Jojola, Tamera Chavez, Maria Alderete, Giovanna Rosas, Deanna Blair, Samantha Maldonado, Geir Hareland
Referees (9), Zumba (2)

Seconded by Councilor Jaramillo, motion passed unanimously.

d. Business Registrations

Councilor Romero motioned to approve the business registrations as read by Mayor Bhasker:

AccuStripe Inc. – Out of Town – Albuquerque, NM – Corporation – Parking Lot Striping & Signage
Ava's Kettle Corn – Out of Town – Belen, NM – Donetta Torrez – Kettle Corn
Post-Tensioning Reinforcing Services – Out of Town – Albuquerque, NM – Edward Aragon – Construction
Rodriguez Plastering – Out of Town – Las Cruces, NM – David Rodriguez – Construction
Christina Tenorio LMT, CHES – Out of Town – 3090 Tenorio Drive, Socorro – Christina Tenorio – Massage Therapy
Enriquez Family Shop – C-2 – 326 5th Street (Flea Market) – Enriquez Saavedra & Juanita Mohsen – Apparel, Accessories, Shoes, Concession
Advanced Painting LLC – Out of Town – Albuquerque, NM – Corporation – Painting & Construction

Seconded by Councilor Fleming, motion passed unanimously.

e. Voucher Run

Councilor Hicks made a motion to approve vouchers 129622 to 129921 in the amount of \$1,195,289.10, plus Payroll Transfers (\$299,576.55), for a total of \$1,494,865.65. Seconded by Councilor Fleming, motion passed unanimously.

**City of Socorro Regular Scheduled City Council Meeting
City Hall, 111 School of Mines Road, Socorro, NM 87801
April 21, 2014**

f. Announcement – Next City Council Meeting Date and Time – April 5, 2010 @ 6:00 p.m.

Mayor Bhasker stated that the next City Council meeting would be held on May 5, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 7:43 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Romero, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

/s/
Ravi Bhasker, Mayor

ATTEST:

/s/
Pat Salome, City Clerk

City of Socorro Regular City Council Meeting
City Hall, 111 School of Mines Road, Socorro, NM 87801
May 5, 2014

Mayor Ravi Bhasker called the meeting to order at 6:00 p.m. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Donald Monette, Councilor Toby Jaramillo, Councilor Nick Fleming, Councilor Michael Olguin, Councilor Ernest Pargas, Councilor Peter Romero and Councilor Mary Ann Chavez-Lopez. Councilor Gordy Hicks was absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF MAY 5, 2014 CITY COUNCIL MEETING AGENDA

Councilor Monette made a motion to approve the agenda as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. April 21, 2014

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Monette, motion passed unanimously.

Councilor Hicks arrived.

PROCLAMATIONS AND AWARDS

a. Proclamation – Cannon Ball Centennial Ride Day

Mayor Bhasker presented a proclamation declaring May 5, 2014 as Cannon Ball Centennial Ride Day. The proclamation honors Erwin Baker who rode across the country (through Socorro) on a motorcycle in 11 days in May 1914. The proclamation recognizes the Cannon Ball Centennial Ride which is recreating the original ride 100 years later. Mayor Bhasker stated that the riders would be getting together at the Capitol Bar at 7:30 p.m. and invited everyone to attend.

PUBLIC FORUM

Brad Winton presented the City of Socorro with a signed soccer ball as thanks for use of the City's new soccer fields for a recent soccer tournament. Mr. Winton stated that the ball was the first ball kicked as a goal at the new fields and signed by the UTEP Miners who scored the first goal. Several of the NM Tech players also attended the meeting. Mr. Winton stated that he received positive feedback regarding the fields from many of the players. Mayor Bhasker thanked Mr. Winton for the acknowledgement.

Lynn Branvold asked about the status of the sewer line extension project on Hope Farms Road. Lloyd Martinez, Wastewater Superintendent, stated that the project will be going out for construction bids soon and construction should start mid-June. Mayor Bhasker stated that there was a lot of preparation that had to be done before the City could proceed with the project.

Marie Watkins described the lengthy time frame it takes for members to get bylaws approved by the Socorro Electric Cooperative Board. Ms. Watkins stated that she has requested a member list for District 4 which will be used for recall election purposes. Mayor Bhasker provided a handout which shows residential energy costs around the State and lists Socorro as having the highest costs. Mayor Bhasker stated that he has continued to pursue information which would help the City acquire the SEC. Mayor Bhasker stated that the City's attorney has sent a letter to the SEC asking for information the City needs to move forward with the acquisition. Mayor Bhasker stated that the City has had inquiries from PNM regarding a potential relationship between the City and PNM. Mayor Bhasker stated that he has asked the City's attorney to attend the next City Council meeting to discuss the possibility of an acquisition.

City of Socorro Regular City Council Meeting
City Hall, 111 School of Mines Road, Socorro, NM 87801
May 5, 2014

Robert Rincones stated that on April 26, 2014 at 2:00 a.m. there was a fire in his home which was determined to be caused by a neutral that was loose on the Socorro Electric Cooperative's line. Mr. Rincones stated that damages totaled \$18,000. Mr. Rincones stated that it took a while for the SEC to respond to his call after the fire and when they finally arrived, a lineman told Mr. Rincones that the fire was the SEC's fault. Mr. Rincones stated that the lineman told Mr. Rincones to turn in the bills to the SEC for reimbursement. Mr. Rincones stated that he has called the SEC several times to check on the status of the reimbursement and he has not yet received an answer.

DISCUSSION AND DELIBERATION

a. Amendment to Engineering Agreement – Dennis Engineering – Waterline Replacement Project

Steve Williams, of Dennis Engineering, presented Amendment 2 to Task Order 13-02 which reduces the additional phase services for the Waterline Replacement Project by \$4,655.60. Mr. Williams stated that the FONSI is currently being advertised and once that advertisement is finished, the City will advertise for bids.

Councilor Monette made a motion to approve Amendment 2 to Task Order 13-02 which reduces the additional phase services for the Waterline Replacement Project by \$4,655.60. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Mr. Williams stated that for the sewer line extension project on Hope Farms Road, the City received approval from the NMED to advertise for bids. Mr. Williams stated that a pre-bid conference is scheduled for June 3rd and bids will be opened on June 10th. Mr. Williams stated that the bid will be awarded June 16th and construction should start July 1st.

b. Resolution No. 14-05-05 – GPS Policy

Mayor Bhasker presented Resolution No. 14-05-05 which, if approved, approves the use of GPS units in City vehicles and adopts a policy regarding the use of GPS units. Mr. Salome stated that the City policy states the City will use the GPS information for ensuring adherence to City policy, ensuring compliance with traffic laws, assisting in meeting safety goals and to carry out the goals and objectives of the City. Mr. Salome stated that the information is not intended to be used for reasons unrelated to City operations. Mr. Salome reviewed the form that will be required when a request for GPS is made. Councilor Monette asked if the information is public information. Mr. Salome stated that if the Inspection of Public Records Act applies to electronic records, then it is public information. Mr. Salome stated that City Administration would have the City's attorney review such a request to make sure it complies with the Act.

Councilor Hicks made a motion to approve Resolution No. 14-05-05. Seconded by Councilor Romero, motion passed unanimously.

c. Organizational Chart – Community Services Division (Recreation & Tourism)

This matter was postponed from the April 21, 2014 City Council meeting. Mayor Bhasker reviewed a new organizational chart which includes the Recreation Department, Youth Center and the Tourism Department as well as new job descriptions for Sports Coordinator (Seasonal), Tourism Clerk and Community Services Superintendent. Mayor Bhasker stated that the Administration is trying to consolidate what is currently in place and that the Chamber of Commerce could assist the City with events if needed. Mr. Salome stated that as the City's personnel changes, the Administration tries to maximize the resources currently in place by altering flow charts. Councilor Olguin stated that he feels tourism relates more to economic development and stated that he would rather see the Tourism Clerk position replaced with an Events Coordinator position. Councilor Olguin stated the Events Coordinator would work with the Economic Development Director/Tourism Director/Chamber of Commerce on events. Mayor Bhasker stated that the Chamber of Commerce already performs some economic development duties for the City and that they also assist with some tourism-related items and event coordination. Mr. Salome stated that the Administration created the new organizational chart due to changes in City staff as well as Chamber staff. Councilor Olguin stated that he would like to keep the Tourism Clerk position but would like to see it placed in an Economic Development Department. Mr. Salome stated that there still needs to be someone at the Tourism Department to do the day to day duties such as answering the phones and in-person inquiries. Mr. Salome suggested that the Administration make a note on the new chart which states the City will look at the Tourism Clerk position in the future and if need be, modify which department it is in.

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Councilor Hicks made a motion to approve the organizational chart and job descriptions with the understanding that the City will look at the Tourism Clerk position in the future and if need be, modify which department it is in. Seconded by Councilor Fleming, motion passed unanimously.

d. Mayor Pro-Tem

Councilor Monette stated that he would like to make a motion to nominate Councilor Romero as Mayor Pro-Tem as he feels Councilor Romero is best-suited for the position. The motion was seconded by Councilor Olguin.

Councilor Pargas stated that he asked for the item to be placed on the agenda as Councilor Hicks, who is the longest-standing City Councilor, was interested in the position. Councilor Hicks asked if two people could be nominated and the City Council choose one of the people for the position. Mr. Salome stated that since there was a motion on the floor, a vote had to be taken on that motion.

A roll call vote was taken. Councilors Chavez-Lopez, Olguin, Monette and Romero voted yes. Councilors Pargas, Jaramillo, Fleming and Hicks voted no. As there was a tie, Mayor Bhasker broke the tie and vote no. Motion failed.

Councilor Pargas made a motion to nominate Councilor Hicks as Mayor Pro-Tem. The motion was seconded by Councilor Jaramillo.

A roll call vote was taken. Councilors Fleming, Hicks, Jaramillo and Pargas voted yes. Councilors Chavez-Lopez, Monette, Olguin and Romero voted no. As there was a tie, Mayor Bhasker broke the tie and voted yes. Motion passed.

COMMITTEE REPORTS

Councilor Jaramillo stated that the committee to create goals and objectives for the new Police Chief will be meeting soon.

Councilor Fleming stated that the Budget Committee continues to meet. Councilor Fleming stated that the Budget Committee hearings were held last week and several requests were received.

Councilor Olguin stated that the Economic Development Committee is working on an Economic Development Director job description and that they had recently met with the Chamber of Commerce.

Mayor Bhasker stated that the Utility Committee will need to meet soon.

Councilor Hicks stated that there is a SCCOG meeting in Socorro on May 9th at 10:00 a.m.

NEW BUSINESS

Mayor Bhasker stated that he will invite the City's attorney and a representative from PNM to the next City Council meeting to discuss the possible acquisition of the SEC.

Councilor Romero stated that he was asked if the City could place a Police Substation at the middle school. Mayor Bhasker stated that there is already a school resource officer at the high school. Police Chief George Van Winkle stated that supplying an officer to the high school and the middle school would leave the department short-handed. Chief Van Winkle stated that maybe a grant could help fund an additional school resource officer.

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OLD BUSINESS

a. City of Socorro Ordinance Codification Update

Mr. Salome stated that the codification of City ordinances is now complete. Mr. Salome stated that General Code is sending the final books to the City along with an ordinance that will need to go through the ordinance process. Mr. Salome stated that the ordinance, if approved, adopts the codified ordinances for the City. Mr. Salome stated that the last time the ordinances were codified was 1977. Mr. Salome stated that the City will pay a yearly fee to General Code so that when an ordinance is passed, the City sends it to General Code and they update the ordinance book/online.

Councilor Romero stated that he was informed about a problem with the card reader at the airport. Mayor Bhasker stated that the matter and resolution has been discussed with the complainant. Mayor Bhasker stated that one of the complaints was a glare on the screen which the City will address. Mayor Bhasker stated another complaint was that there was a \$300 limit on the pump but that the limit is similar to that of a regular gas station. Jay Santillanes, Division Director, stated that the issue with the button is due to repeated use and that the touch pad will be replaced.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

Mayor Bhasker stated that he would like to appoint Savannah Morris to the Mayor's Dug Task Force. Councilor Hicks made a motion to approve the Mayor's appointment. Seconded by Councilor Romero, motion passed unanimously.

a. Reporting on Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Rebekah Claussen – 5-9-14 – Library – Resignation
Victor Savedra – 5-5-14 – Police – New Hire (Police Officer) – A-35
Toby Jaramillo – 5-16-14 – Fire – New Hire (FF/EMT) – A-27

The motion was seconded by Councilor Monette. Councilor Pargas, Councilor Chavez-Lopez, Councilor Olguin, Councilor Fleming, Councilor Monette, Councilor Hicks and Councilor Romero voted in favor of the motion. Councilor Jaramillo abstained from the vote and in accordance with the Governing Body Rules of Procedure, stated that his son was on the list to be approved. Motion passed.

b. Business Registrations

Councilor Hicks motioned to approve the business registrations as read by Mayor Bhasker:

Bennett's Amusements Inc – Out of Town – Moriarty, NM – Bill & Debra Bennett – Carnival
Eagle IT, LLC – Out of Town – Espanola, NM – Jorge Lucero – Information Technologies
Aragon Enterprises – Out of Town – Albuquerque, NM – Fernando Aragon – Contractor
Universal Communications Inc. – Out of Town – Albuquerque, NM – Corporation – Cable TV/Century Link

Seconded by Councilor Chavez-Lopez, motion passed unanimously.

c. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, May 19, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 7:18 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Olguin, motion passed unanimously.

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Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Michael Olguin, Councilor Peter D. Romero, Councilor Gordy Hicks, Councilor Ernest Pargas, Councilor Mary Ann Chavez-Lopez and Councilor Nick Fleming. Councilor Toby Jaramillo and Councilor Donald Monette were absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF MAY 19, 2014 CITY COUNCIL MEETING AGENDA

Councilor Hicks made a motion to approve the agenda as presented. Seconded by Councilor Romero, motion passed unanimously.

CONSIDERATION OF MINUTES

a. May 5, 2014

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Fleming, motion passed unanimously.

PUBLIC FORUM

Marie Watkins stated that at the last City Council meeting, she informed the City Council that she would be sending a request for information to the Socorro Electric Cooperative. Ms. Watkins stated that she sent the request both electronically and by registered mail and has not yet received a response to her request. Ms. Watkins stated that in regards to capital credits, she feels the SEC is using those funds for questionable items. Ms. Watkins stated that the general manager of the SEC has a salary of \$180,000 per year and is paid an additional \$20,000 to represent Tri-State and \$15,000 for commuting costs. Ms. Watkins stated that SEC lawyers are paid \$200,000 per year and the SEC accountant gets paid \$100,000 per year.

PROCLAMATIONS AND AWARDS

a. Proclamation – Fireworks Restrictions

Mayor Bhasker stated that the governing body, by State Statute, is allowed to pass a proclamation restricting the sale of certain fireworks when an area is declared to have extreme or severe drought conditions. Mayor Bhasker read the proclamation which outlines the sale and use restrictions for fireworks in the City of Socorro. Mr. Salome stated that the proclamation is the same as what was used last year and the City Council could amend the proclamation if they so choose. Mayor Bhasker stated that the Fire and Police Departments will be inspecting fireworks stands for compliance with the proclamation and State Statute. Mr. Salome stated that the proclamation can be rescinded by the governing body if drought conditions improve.

Councilor Hicks made a motion to approve the proclamation. Seconded by Councilor Fleming, motion passed unanimously.

FIRST READING OF ORDINANCES – APPROVAL FOR PUBLICATION

a. Ordinance No. 14-05-19 – Code Adoption Ordinance

Mayor Bhasker presented Ordinance No. 14-05-19 which, if approved, will approve the codified ordinances of the City of Socorro. Mr. Salome stated that the public can come to City Hall to review the ordinances or view them online. Mr. Salome stated that the City will run the publication more than the State Statute requirement so that everyone who chooses has a chance to review the codified ordinances. Mr. Salome stated that ordinance is on the agenda for approval for publication only.

Councilor Olguin made a motion to approve Ordinance 14-05-19 for publication only. Seconded by Councilor Romero, motion passed unanimously

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DISCUSSION AND DELIBERATION

a. Baja Broadband – Barbara Mick, General Manager

Barbara Mick, General Manager for Baja Broadband, along with Stewart Roberts, introduced themselves to the Mayor and City Council. Ms. Mick provided a handout describing the history of Baja Broadband and their services. Ms. Mick stated that in addition to cable television, Baja Broadband offers internet and phone services. Ms. Mick stated that Baja Broadband operates in several small communities such as Ruidoso, Truth or Consequences and Carlsbad. Mr. Salome stated that at a previous City Council meeting, the City Council approved the assignment of the Comcast Cable franchise agreement to Baja Broadband. Mr. Salome stated that the agreement is expired and running on a month to month basis. Mayor Bhasker asked Ms. Mick if they have an agreement with Socorro Electric Cooperative to use their poles for lines. Ms. Mick stated that she believed there was an agreement in place. Mr. Roberts explained that Baja Broadband has its own network running from Los Angeles and Denver to Alamogordo and Socorro would link in from Alamogordo on a fiber line. Ms. Mick stated that there would be a local channel to broadcast things such as the City Council meetings. Ms. Mick stated that job offers had been made to current staff but that it was questionable whether they would remain in the existing building. Mayor Bhasker asked Mr. Roberts if he knew how much Baja Broadband was paying as a franchise tax in Alamogordo to which Mr. Roberts replied he was unsure. Mayor Bhasker asked Mr. Roberts to send him an e-mail with that information as well as a description of what services will be offered. Mayor Bhasker stated that if Baja Broadband would like to start early negotiations for the franchise agreement they could set up a meeting. Mayor Bhasker thanked Mr. Roberts and Ms. Mick for attending the meeting.

b. Socorro Electric Cooperative - Presentation

Mayor Bhasker introduced Nann Winter, the attorney working with the City Administration on the Socorro Electric Cooperative franchise agreement/acquisition. Ms. Winter stated the franchise agreement with SEC is running on a month to month basis and that status could be changed by the City's initiative. Ms. Winter stated that the City could declare the SEC a trespasser and evict them if needed. Ms. Winter stated that the City has the right of eminent domain. Ms. Winter stated that to begin an acquisition, the City would need to get an appraisal of the assets and then enter into good faith negotiations with SEC. Ms. Winter stated the appraisal would include book value of the assets, replacement costs, comparable values and a cash flow analyses. Ms. Winter stated that the appraisal could take 3 to 6 months for the entire system. Ms. Winter stated that once the appraisal is done, the City and the SEC would enter into a good faith negotiation and if the SEC negotiations fail, the City could file an eminent domain lawsuit. Ms. Winter stated that the sale could take 1 to 2 years if the SEC is willing and 2 to 3 years if eminent domain litigation is required. Ms. Winter stated that for municipal electric utilities, the law states coverage would include City limits, up to 5 surrounding miles and any governmental installations.

Councilor Olguin asked Ms. Winter if when she first came on board, the original thought process was to renegotiate the current franchise agreement. Ms. Winter stated that she was retained to look at all three of the expired franchises. Councilor Olguin asked if the City was still working on the new franchise agreement or pursuing the acquisition. Ms. Winter stated that she does have an outline of a new cooperative electric franchise agreement.

Mayor Bhasker stated that he would like to have a resolution prepared and presented to the City Council detailing what will be required to begin the acquisition so that the Council can vote on whether or not they would like to proceed. Ms. Winter stated that "political will" is a large part of an acquisition process. Mayor Bhasker stated that the City's attorney, Jerry Armijo, and SEC Trustee Melissa Amaro, were in attendance. Councilor Fleming asked if the City would have to assume the SEC's debt if the City acquired the SEC. Ms. Winter stated that the City is only interested in the assets and the debt would remain with the SEC. Mayor Bhasker stated that there will be a comment box at City Hall for residents to leave their comments regarding the SEC and a possible acquisition by the City. Ms. Winter provided several examples of acquisitions in other areas of the State. Mayor Bhasker stated that there was a representative from PNM in attendance. Mayor Bhasker stated that the Administration would present a resolution to the City Council at the June 16th meeting to see what direction the City Council would like to take. Mayor Bhasker thanked Ms. Winter for attending the meeting.

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c. Budget Resolutions

1. No. 14 – Street Fund

Resources are Transfer from General Fund – Requirements are Salaries, Salaries OT, Salaries Officials, FICA, Group Insurance, Uniforms, Safety Equipment, Worker’s Compensation, Fringe Benefits, Vehicle Fuel, Vehicle Maintenance, Lighting and Repair & System Maintenance – Amount is \$55,000.00 – The increase is needed to allow for expenditures to June 30, 2014.

2. No. 15 – General Fund – Rodeo Arena Department

Resources are Beginning Cash Balance Available – Requirements are Vehicle Maintenance and Repair & System Maintenance – Amount is \$33,000.00 – The increase is needed to allow for expenditures to June 30, 2014.

Councilor Hicks made a motion to approve Budget Resolutions 14 and 15. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

COMMITTEE REPORTS

Councilor Chavez-Lopez provided a draft of the Police Department/Chief goals and objectives. Mayor Bhasker stated that Chief Van Winkle would be retiring May 31st and he would be asking Assistant Chief Mike Winders to be Acting Chief until a new Chief could be appointed. Mr. Salome stated that the final goals and objectives list would be completed and presented for the next City Council meeting.

Councilor Fleming stated that the Budget Committee has been meeting to prepare the preliminary budget. Mable Gonzales, City Treasurer, stated that she would like to have a special meeting on May 22nd at noon to approve the preliminary budget.

DEPARTMENT DIRECTOR REPORTS

Mable Gonzales, City Treasurer, stated that the City will be doing a 60-month rental/purchase agreement for a new telephone system. Ms. Gonzales stated that there are no up-front costs and the City will actually save \$6,900 per year. Ms. Gonzales thanked the Budget Committee and the department heads for their assistance with the FY 2014-2015 preliminary budget. Ms. Gonzales stated that there will be a special City Council meeting on May 22nd at noon in order to approve the preliminary budget.

Paula Mertz, Library Director, provided a handout with information pertaining to the summer reading program. Ms. Mertz stated that the literacy program just completed a 6-week course at the library. Ms. Mertz stated that the library applied for a \$2,800 grant through Aerojet which would help promote math and science programs.

George Van Winkle, Police Chief, provided a handout to the Mayor and Council of Police Department stats from April 2014 (95 arrests, 100 citations, 2 DWI arrests, 252 police reports filed, 13 traffic accidents, 3,156 calls received by dispatch, etc.). Chief Van Winkle thanked the City of Socorro for his time in the Socorro Police Department. Mayor Bhasker and the City Council thanked Chief Van Winkle for his service to the City. Mayor Bhasker stated that there will be a presentation for the Chief in June.

Joe Gonzales, Fire Chief, provided a handout to the Mayor and Council of Fire Department stats from April 2014 (165 ambulance runs, 7 fire calls, etc.). Chief Gonzales stated that the department is still down one unit but that Albuquerque Fire Department had loaned the City a unit to use as long as needed. Chief Gonzales stated that the department received a vehicle purchase grant that will allow the City to purchase a new ambulance as well as the unit on loan from AFD (who stated they are willing to sell the unit to the City as it is surplus equipment for them). Chief Gonzales stated that the department had an ISO inspection and the results from the inspection will arrive in approximately 6 months. Chief Gonzales stated that a good rating would help the department acquire more funding in the future.

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Lloyd Martinez, Parks/Production/Water/Special Projects Superintendent, stated that the leveling at the RV park at the soccer fields/rodeo arena has been completed. Mr. Martinez stated that crews will be hauling dirt for the rodeo arena cover and planting trees in the RV park area. Mr. Martinez stated that work on the bathroom and concession buildings is progressing and should be done by the end of July. Mr. Martinez stated that there is a pre-bid conference on June 3rd at 10:00 a.m. at City Hall for the wastewater expansion project. Mr. Martinez stated that the water quality report will be sent to water customers soon. Mr. Martinez stated that two water samples have been taken and both fell under the required limits. Mr. Martinez stated that the swimming pool is being filled with water and will soon have an inspection. Mr. Martinez stated the pool will open June 2nd.

Michael Lucero, Sanitation/Landfill/Recycling Director, stated that normal operations continue in the Sanitation, Landfill and Recycling departments. Mr. Lucero stated that crews have been picking up more litter due to strong winds. Mayor Bhasker stated that the City may have to increase solid waste rates and asked the Utility Committee to meet after the fiscal year ends to discuss a possible need for a rate increase.

Jay Santillanes, Utilities Division Director, stated that certain projects such as the rodeo arena/soccer fields are required to have a storm water prevention plan and that he has created one for the project. Mr. Santillanes stated that NMED did an inspection of the project on May 16th and found no issues. Mr. Santillanes stated that the foundations for the rodeo arena cover were poured and that the metal for the building will start to arrive during the first week of June. Mr. Santillanes stated that the Gas Department is still replacing natural gas meters. Mr. Santillanes stated that the Street Department is working on the third of four free trash pick-ups around the City.

Mike Czosnek, Building Inspector, stated that he spoke with FEMA regarding the levy certification and was told the City should have an answer within 60 days. Mr. Czosnek stated that flood mapping will come out approximately March 2015. Mr. Czosnek stated that building is slow. Mr. Czosnek stated that Jaynes Construction is working on San Miguel Church and work should be completed by the end of June.

Susann Mikkelson, of the Chamber of Commerce, stated that there is an EMRTC tour on May 21st and invited everyone to attend. Ms. Mikkelson stated that the Chamber has been cleaning rooms and clearing out files and invited everyone to visit the Chamber office. Ms. Mikkelson stated that planning on the Socorrofest event has started. Ms. Mikkelson stated that the Chamber received a \$2,500 grant for the mentorship program.

Mayor Bhasker stated that Josh Kerns, Recreation Director, ran a successful AAU tournament over the past weekend with 41 teams attending. Mayor Bhasker stated that the tournament made \$4,000 and included use of gyms belonging to the City and Socorro Schools. Mayor Bhasker stated that he has received many positive comments regarding the tournament.

NEW BUSINESS

None.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

George Van Winkle – 5-31-14 – Police – Retirement

Abie Baca III – 5-22-14 – Gas – Resignation

Luis Espino – 5-20-14 – Fire – New Hire (FF/EMT Recruit) – A-25

Charles Contreras – 5-19-14 – Police – New Hire (Police Officer) – A-35

Gabe Sosa – 6-1-14 – Fire – Completed Probation – A-25 to A-26

Josh Kerns – 5-19-14 – Community Services – Change in Job Description & Responsibilities – B-40 to B-49

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Temporary New Hires: Shaina Lopez, Jared Marquez

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Paul Marquez, Carlos Alvarado, Ramiro Garza, Albert Hernandez, George Romero, Mike Jojola, Elias Jacquez, Tony Silva, Regina Valencia, Sergio Cuevas, Angelica Vega, Michael Padilla, Jeremy Chavez, Brittany McDaniel, Ryan Romero, Eric Sewell

Student Workers: Matthew Jojola, Tamera Chavez, Maria Alderete, Giovanna Rosas, Deanna Blair, Samantha Maldonado, Geir Hareland

Referees (9), Zumba (2)

Seconded by Councilor Romero, motion passed unanimously.

b. Business Registrations

Councilor Hicks motioned to approve the business registrations as read by Mayor Bhasker:

BITS, LLC – C-2 – 209 S. California Street – Billy Byler – Computer Services

Shrader & Martinez Construction Inc. – Out of Town – Sedona, AZ – Corporation – General Contractor

Seconded by Councilor Romero, motion passed unanimously.

c. Voucher Run

Councilor Hicks made a motion to approve vouchers 129922 to 123206 in the amount of \$710,061.29, plus Payroll Transfers (\$298,075.36), for a total of \$1,008,136.65. Seconded by Councilor Romero, motion passed unanimously.

d. Announcement – Next City Council Meeting Date and Time

Mayor Bhasker stated that there will be a special City Council meeting on May 22, 2014 at 12:00 p.m. in the City Hall Council Chambers.

Mayor Bhasker stated that the next regular City Council meeting would be held on June 2, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 8:03 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Romero, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

/s/
Ravi Bhasker, Mayor

ATTEST:

/s/
Pat Salome, City Clerk

City of Socorro Regular City Council Meeting
City Hall, 111 School of Mines Road, Socorro, NM 87801
June 2, 2014

Mayor Pro-Tem Gordy Hicks called the meeting to order at 6:00 p.m. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Pro-Tem Gordy Hicks, Councilor Donald Monette, Councilor Toby Jaramillo, Councilor Nick Fleming, Councilor Michael Olguin, Councilor Peter Romero and Councilor Mary Ann Chavez-Lopez. Mayor Ravi Bhasker and Councilor Ernest Pargas were absent.

PLEDGE OF ALLEGIANCE

Mr. Salome led all present in the Pledge of Allegiance.

APPROVAL OF JUNE 2, 2014 CITY COUNCIL MEETING AGENDA

Councilor Romero made a motion to approve the agenda as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. May 19, 2014

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Olguin, motion passed unanimously.

b. May 22, 2014

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Olguin, motion passed unanimously.

PUBLIC FORUM

Marie Watkins provided a handout which shows the salary for the general manager at the Socorro Electric Cooperative for 2012. The documentation showed: Base Compensation \$141,354, Retirement and Other Deferred Compensation \$16,463 and Nontaxable Benefits \$19,869 for a total of \$177,686. Ms. Watkins stated that she is concerned about the funds the SEC is trying to acquire in order to fight the acquisition of the SEC by the City. Ms. Watkins stated that she feels the members will somehow end up paying the costs.

Deb Caldwell stated that the Chamber of Commerce applied for a \$2,500 Wal-Mart grant for youth mentorship and that the Chamber was awarded the grant. Ms. Caldwell stated that the recent EMRTC tour went well. Councilor Romero stated that he took the tour and that it was very educational. Councilor Romero stated that he recommends everyone try to take the tour. Ms. Caldwell stated that the Chamber will be the project managers for the Socorrofest event. Ms. Caldwell stated that there is a junior from NM Tech who will be doing an internship at the Chamber and the City this summer.

DISCUSSION AND DELIBERATION

a. Public Hearing – Liquor License Application – Small Brewer License with On-Premise Consumption and Package Sales – Twisted Chile Brewing Co.

Councilor Monette made a motion to go into public hearing. Seconded by Councilor Jaramillo, motion passed unanimously.

Mr. Salome stated that Twisted Chile Brewing Co. has requested a Small Brewer License with On-Premise Consumption and Package Sales which has to be approved by the local Governing Body. KC and Stephanie McFadden, the owners of Twisted Chile Brewing Co., were in attendance. Mr. McFadden stated that the business plans to open July 15th. There was no public comment.

Councilor Monette made a motion to go back into regular session. Seconded by Councilor Romero, motion passed unanimously.

Councilor Monette made a motion to approve the Small Brewer License with On-Premise Consumption and Package Sales for Twisted Chile Brewing Co. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

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b. Socorro County Substance Abuse Prevention Presentation/Update

Pat Lincoln, Savannah Morris and Isaac Burleigh attended the meeting. Ms. Morris stated that the assessment phase was complete and included surveys, focus groups, etc. Ms. Morris stated that the planning phase will now begin and interventions will be implemented in January. Ms. Morris stated that the next coalition meeting will be held June 12th at noon at City Hall. Ms. Lincoln provided a handout containing the results of the assessment. Ms. Lincoln briefly reviewed the results and answered questions from the City Council and the public. Mr. Salome stated that the City could put the findings on the City's website. Some discussion followed.

c. Resolution No. 14-06-02a – Utility Billing Write-Offs

Mable Gonzales, Treasurer, presented Resolution No. 14-06-02a which, if approved, removes uncollectible utility billing accounts from 2009, in the amount of \$28,647.86, from the City's list of accounts. Ms. Gonzales stated that the billed amount for this year was \$6,071,029.86. Ms. Gonzales stated that the Finance Department still attempts to collect these funds through a credit agency.

Councilor Monette made a motion to approve Resolution No. 14-06-02a. Seconded by Councilor Fleming, motion passed unanimously.

d. In-House Budget Resolutions 101 and 102

Ms. Gonzales explained that In-House Budget Resolutions 101 and 102 are adjustments within a department which are needed to allow for expenditures through the end of the fiscal year. The adjustments move funds from one line item to another within the same department. Budget Resolutions 101 and 102 include adjustments in the Administration, Library, Police and Animal Control departments.

Councilor Monette made a motion to approve In-House Budget Resolutions 101 and 102. Seconded by Councilor Romero, motion passed unanimously.

COMMITTEE REPORTS

Mr. Salome read an invitation to the City Council on behalf of Councilor Pargas. The invitation is from Chief Justice Barbara Vigil and invites everyone to the next Socorro County Juvenile Justice Board on June 5th at noon at the Socorro County Courthouse.

Councilor Fleming stated that the preliminary budget has been approved and sent to the State for approval. Ms. Gonzales thanked the Budget Committee, the City Council and the Department Heads for their assistance with the preparation of the budget.

Mayor Pro-Tem Hicks asked Jay Santillanes, Division Director, to give an update on the card reader at the airport. Mr. Santillanes stated that a new screen and touchpad had been ordered for the card reader at the airport.

NEW BUSINESS

Councilor Fleming stated that he was concerned about the two-way traffic on Mt. Carmel Street. Councilor Fleming stated that he feels the street would be safer as a one way street. Councilor Fleming also stated that he has noticed some issues with people parking on the wrong side of the street.

OLD BUSINESS

Councilor Olguin stated that he would like to amend the May 19, 2014 minutes to reflect a question that he asked Nann Winter and her response regarding the SEC franchise discussion. Mr. Salome stated that he could make an amendment to the minutes and present them at the next City Council meeting for approval. Mr. Salome stated that the minutes for this meeting would reflect that the May 19, 2014 minutes were approved earlier in the meeting and that the amendment would be voted on June 16, 2014 and the May 19, 2014 minutes would indicate the change.

EXECUTIVE SESSION

None.

City of Socorro Regular City Council Meeting
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June 2, 2014

MAYOR'S REPORT

a. Reporting on Personnel Changes

Councilor Romero motioned to approve the personnel changes as read by Mr. Salome:

Roque Fernandez – 5-26-14 – Police – Resignation
Warren Scates – 5-23-14 – Maintenance – Resignation/Retirement
Jennifer Lopez – 5-21-14 – Library – Termination
Fernando Torres – 5-21-14 – Landfill – Abandonment/Termination

Seconded by Councilor Jaramillo, motion passed unanimously.

b. Business Registrations

Councilor Jaramillo motioned to approve the business registrations as read by Mr. Salome:

Rhino Roofing – Out of Town – Albuquerque, NM – Corporation - Roofing

Seconded by Councilor Olguin, motion passed unanimously.

c. Next City Council Meeting Announcement

Mayor Pro-Tem Hicks stated that the next City Council meeting would be held on Monday, June 16, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 6:55 p.m., Councilor Monette motioned to adjourn. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

/s/
Ravi Bhasker, Mayor

ATTEST:

/s/
Pat Salome, City Clerk

**City of Socorro Regular Scheduled City Council Meeting
City Hall, 111 School of Mines Road, Socorro, NM 87801
June 16, 2014**

Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Michael Olguin, Councilor Peter D. Romero, Councilor Gordy Hicks, Councilor Ernest Pargas, Councilor Mary Ann Chavez-Lopez, Councilor Donald Monette and Councilor Nick Fleming. Councilor Toby Jaramillo was absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF JUNE 16, 2014 CITY COUNCIL MEETING AGENDA

Councilor Hicks made a motion to approve the agenda as presented. Seconded by Councilor Romero, motion passed unanimously.

CONSIDERATION OF MINUTES

a. May 19, 2014

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Mayor Bhasker stated that at the last City Council meeting, Councilor Olguin requested an amendment to the May 19, 2014 minutes. Mayor Bhasker read the amendment which pertains to the existence of an outline of a franchise agreement with SEC prepared by the City Attorney, Nann Winter. Mayor Bhasker stated that while Ms. Winter stated she has an outline of a franchise agreement between the City and SEC, to his knowledge, the City Administration does not have a copy of the outline. Mr. Salome stated that she may have been referring to a base model and not an outline specific to the City and the SEC. Mayor Bhasker stated that the Administration could verify if the outline exists.

b. June 2, 2014

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Hicks, motion passed unanimously.

PUBLIC FORUM

Marie Watkins read from a handout she states was recently sent out by the SEC. Ms. Watkins stated that the SEC Board has not had the members meet to discuss an acquisition by the City and that the members are ignored. Ms. Watkins stated that the only individuals the SEC Board consults with are their attorneys and the SEC manager. Ms. Watkins stated that there is no input sought from the member-owners and feels it is time to "move on".

Mayor Bhasker stated that the SEC Manager requested a meeting with himself along with Councilors Romero and Olguin. Mayor Bhasker stated that he agreed to a meeting (with himself, the City Clerk, Mr. Herrera and Ms. Dorough as it is not appropriate to only invite 2 City Councilors) and requested an agenda from Mr. Herrera. Mayor Bhasker stated that the agenda provided by Mr. Herrera included a discussion about a franchise agreement. Mayor Bhasker stated that he replied that a meeting about a franchise agreement would not be necessary as there would be a discussion at the June 16th City Council meeting about a feasibility study for acquisition of SEC assets by the City. Mayor Bhasker read Ms. Dorough's e-mail which was sent to the SEC Board Members, the SEC Manager, his secretary and the SEC attorney regarding the unnecessary June 17th meeting. Ms. Dorough's e-mail read as follows:

"Twice, Joseph has, at my behest, contacted Mayor Ravi Bhasker and requested that we might meet in private to discuss the benefits to everyone of pursuing a franchise agreement instead of an expensive takeover. At first the Mayor agreed to the meeting and then changed his mind. He appears to prefer to make provocative remarks in public about sending signals to the "uncooperative" board members and shuns a written request for a productive meeting without an audience.

The Socorro Electric Cooperative takes this matter seriously and refuses to participate in this charade. There will be no official spokesperson attending this circus. Board members are reminded that only the President or the General Manager can speak on behalf of the cooperative.

Ann Dorough – President
District 5 Trustee

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Socorro Electric Cooperative
(575) 772-2989”

Mayor Bhasker stated that he prefers that the discussions take place in public. Charlie Wagner, SEC Board Member, stated that while he cannot speak on behalf of the SEC, he can voice his opinion. Mr. Wagner stated that federal law says that members should have control of the cooperative. Mr. Wagner stated that in 2011 there was no quorum at the meeting. Mr. Wagner stated that in 2012, there was a quorum but that SEC attorneys would not allow the Board to make their presentations which, in his opinion, is a violation of the law. Mayor Bhasker stated that a quorum of SEC members should be brought together and polled as to whether they would like the City to acquire the SEC. Mr. Wagner stated that the power should be taken out of the hands of the Board members and placed into the hands of the owners.

David Torres described two incidents (one occurred on June 13th and the other on June 14th) involving himself and the Socorro Police Department. Mr. Torres stated that he feels the police used excessive force on him during both incidents and medical attention was needed after both incidents. Mr. Torres stated that he is seeking pain and suffering from the City of Socorro. Mr. Torres stated that he feels police brutality is a problem in Socorro. Mayor Bhasker stated that he will talk to the Police Chief regarding the specifics of the incident.

Doug May stated that he hopes the City and the SEC can work out a franchise agreement. Mr. May stated that if the entities are unable to do so, he hopes that the options available to residents in the City will also be available to those in the County. Mayor Bhasker stated that the matter is not only a City-wide problem but a County-wide issue. Mayor Bhasker stated that the City is aware the potential acquisition would affect County residents. Mayor Bhasker asked Mr. May if he had mentioned his concern to the SEC Board of Trustees or attended an SEC board meeting to voice his concern. Mr. May stated that he has attended board meetings but has not mentioned his concern at a meeting. Mayor Bhasker stated that the SEC's rate structure is one of the highest in the State. Mayor Bhasker stated that the SEC's rate structure does not provide for any type of innovation.

Michael Hanauer stated that he feels the potential acquisition by the City is a good idea. Mr. Hanauer stated that he feels the high rates punish all customers. Mr. Hanauer stated that Socorro has a lot of sun and solar plants have looked at coming into Socorro but the SEC responds that they are a distributor not a producer. Mr. Hanauer stated that now is the opportunity to move forward with innovative ideas. Mayor Bhasker stated that the City does have experience operating a utility company. Mayor Bhasker also stated that the City Administration realizes the lineman at the SEC do a specialized job and should be recognized as having special skills.

Cathy Muncy introduced her son, Leon Fountain, who participates in rodeo and recently won the State championship in the saddle bronc event. Ms. Muncy stated that he will now be going to the nationals in Wyoming. Ms. Muncy stated that rodeo is a good sport and the students can get scholarships for participating. Mayor Bhasker stated that the City's rodeo facility should be completed soon and asked Ms. Muncy if she would like to take information regarding Socorro to the national's event.

PROCLAMATIONS AND AWARDS

a. Retirement – George Van Winkle

Mayor Bhasker presented a retirement plaque to George Van Winkle who retired as the City's Police Chief on May 31, 2014. Mayor Bhasker read the plaque which recognizes Chief Van Winkle's 24 years of law enforcement and 6 years as Chief for the City of Socorro. Chief Van Winkle thanked the City for providing him the opportunity to work for the City and serve as the Chief. Also in attendance were Chief Van Winkle's wife, son and daughter in law.

DISCUSSION AND DELIBERATION

a. NM True and Archaeology Presentation

Mayor Bhasker introduced Michael Bletzer, an archaeologist with Jornada Research who has been doing research and finding artifacts around Socorro since 1999. Mr. Bletzer stated that he found a site south of Luis Lopez that was probably the original settlement of Socorro. Mr. Bletzer stated that last year, he started digging around San Miguel looking for remains of the Pilabo Pueblo. Mr. Bletzer stated that there have been ceramics found dating back to the 1200's. Mr. Bletzer stated that the church would like him to continue and in order to do so, he will be applying for funding through New Mexico True. Mr. Bletzer stated that New

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Mexico True requires an endorsement from the community. Mr. Bletzer stated that any artifacts found remain in Socorro as the property of the church.

Councilor Hicks made a motion to provide Mr. Bletzer with a letter of support for his project. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

b. Consideration of Special Use Permit – Gita Ganjawala – 1009 N. California Street – Transient Vendors

Mike Czosnek, Building Inspector, stated that the Planning and Zoning Commission heard a request for a special use permit (for 1009 N. California Street) from Gita Ganjawala on May 22, 2014. Mr. Czosnek stated that Mr. Ganjawala would like to allow transient vendors to use his parking lot. Mr. Czosnek stated that the Planning and Zoning Commission voted unanimously to recommend approval of the special use permit to the City Council.

Councilor Hicks made a motion to approve the Special Use Permit for Gita Ganjawala. Seconded by Councilor Fleming, motion passed unanimously.

c. Resolution – Feasibility of Acquiring that Portion of Socorro Electric Cooperative Serving the City of Socorro

Mayor Bhasker presented Resolution No. 14-06-16 which, if approved, authorizes the City Administration to receive complaints concerning Socorro Electric Cooperative and investigate the feasibility of acquiring that portion of the SEC serving the City of Socorro.

Councilor Hicks made a motion to approve Resolution No. 14-06-16. The motion was seconded by Councilor Chavez-Lopez.

Councilor Monette requested that an item be added that states that the City Administration is also authorized to evaluate/explore the possibility of having another franchisee become the provider of services for the entire SEC service area. Councilor Hicks provided a friendly amendment. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Mayor Bhasker read portions of the seven cooperative principles in an effort to point out where the SEC is not meeting its obligations as a cooperative. Mayor Bhasker stated that he met with PNM who is a very community-oriented company that is also interested in innovative alternate energy ideas. Mayor Bhasker stated that PNM provided the City with a list of users to compare costs of services against and stated that he felt, based on public documents, that the cost in the City could be about 13.5 cents per kilowatt. Councilor Romero asked about the cost of the feasibility study. Mayor Bhasker stated that the appraisal will cost between \$20,000 and \$25,000. Mayor Bhasker stated that the City has already requested public information from the SEC regarding assets and that City staff will be inspecting those records soon.

Councilor Olguin asked if the funds were already in the budget for the feasibility study to which Mayor Bhasker replied it would come from cash reserves. Councilor Olguin stated that he agrees with Councilor Monette's amendment to the resolution. Councilor Olguin stated that he would have liked to see a good faith effort towards negotiations for a franchise agreement with acquisition by the City being a last resort. Councilor Olguin stated that most municipalities do a feasibility study, as well as speak to other companies, one year before the franchise expires. Councilor Olguin stated that Century Link has a Facebook page full of complaints about rates and customer service issues and asked if when the City considers a new franchise agreement with them, does the City do a feasibility study to get into telemarketing. Councilor Olguin stated that he is interested to see the results from the feasibility study including how the City plans to pay for the acquisition and is it feasible to move forward with the acquisition. Councilor Olguin stated that he does not want to isolate the City in a way that it hurts a certain group of people in the long run.

Mayor Bhasker stated that in regards to a good faith effort towards negotiations for a franchise agreement, the City has been working on the matter for a year with no response from anyone at the SEC. Mayor Bhasker stated that PNM does not seem interested in the City, should the City put it out to bid for a franchise agreement as the hard assets belong to the SEC and they would not be interested in acquiring those assets from the SEC. Mayor Bhasker stated that he believes PNM has an existing contractual agreement with the SEC and they do not want to

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be involved in actions between the City of Socorro and the SEC. Councilor Olguin stated that he agrees something has to be done and that the members are suffering due to rates and customers service issues. Councilor Olguin stated that the City is in a good position to help the members. Charlene West stated that there have been issues for 8 years and a lot of people do not have electricity because they cannot afford the cost. Councilor Pargas stated that it is time to address the matter as the SEC has been unresponsive. Mayor Bhasker stated that change only comes from public discussion. Some discussion followed.

Mr. Salome took a roll call vote. Councilor Michael Olguin, Councilor Peter D. Romero, Councilor Gordy Hicks, Councilor Ernest Pargas, Councilor Mary Ann Chavez-Lopez, Councilor Donald Monette and Councilor Nick Fleming voted yes. Motion passed unanimously.

d. Construction Contract Award – Hope Farms Wastewater System Expansion

Steve Williams, from Dennis Engineering, stated that bids were received for the Hope Farms Wastewater System Expansion Project on June 10, 2014. Mr. Williams stated that the low bid, which includes Base Bid Schedule I and Additive Bid Schedule I, was from NM Underground Contractors Inc. for the amount of \$1,056,428.51. Mr. Williams stated that total funding available for the project is \$1,400,000.00. Mr. Williams stated that Dennis Engineering recommends the construction bid be awarded to NM Underground Contractors Inc. in the amount of \$1,056,428.51. Councilor Monette asked if the connection payment plan option was still available for customers. Ms. Gonzales stated that USDA required an ordinance outlining a payment plan but that the Clean Water Revolving Loan Fund has not established that requirement. Mr. Salome stated that the City can pass a resolution stating the City will continue to offer the payment plan option that has been used on other projects.

Councilor Hicks made a motion to award the construction bid for the Hope Farms Wastewater System Expansion Project to NM Underground Contractors Inc. for the amount of \$1,056,428.51. Seconded by Councilor Pargas, motion passed unanimously.

e. Memorandum of Agreement – City of Socorro and County of Socorro

Mayor Bhasker presented a Memorandum of Understanding between the City of Socorro and Socorro County which, if approved, allows Socorro County to distribute \$32,000 to the City for the purchase of a new ambulance and allows the City to distribute \$32,000 to the County who will apply the funds towards maintenance and operation of the Socorro County Detention Center. Mayor Bhasker stated that the MOA also states that Socorro County will grant the City of Socorro \$26,000 to be used for the purchase of new gurney/stretchers for the City's ambulance service.

Councilor Monette made a motion to approve the Memorandum of Understanding between the City of Socorro and Socorro County. Seconded by Councilor Romero, motion passed unanimously.

f. In-House Budget Resolutions 103 and 104

Ms. Gonzales explained that In-House Budget Resolutions 103 and 104 are adjustments within a department which are needed to allow for expenditures through the end of the fiscal year. The adjustments move funds from one line item to another within the same department. Budget Resolutions 103 and 104 include adjustments in the Fire, Parks and Gas departments. Councilor Monette stated that the date on In-House Budget Resolution 103 needs to be corrected to reflect the date of June 16, 2014.

Councilor Monette made a motion to approve In-House Budget Resolutions 103 and 104. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

COMMITTEE REPORTS

Mayor Bhasker stated that he would like the Utility Committee to meet.

DEPARTMENT DIRECTOR REPORTS

Councilor Chavez-Lopez stated that the utility cut near NAPA Auto needs to be repaired.

Mr. Salome stated that the codification ordinance is on the agenda for the July 7, 2014 City Council meeting and can still be inspected at City Hall or on the City's website.

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NEW BUSINESS

None.

OLD BUSINESS

None.

EXECUTIVE SESSION

Councilor Monette made a motion to go into executive session. Seconded by Councilor Hicks, motion passed unanimously.

Councilor Hicks made a motion to go back into regular session. Seconded by Councilor Olguin, motion passed unanimously.

Mr. Salome reported out of executive session the discussion of one personnel matter and the personnel change list. No action was taken.

MAYOR'S REPORT

a. Police Department Goals and Objectives

Mayor Bhasker stated that with the help of a committee made up of Councilors Chavez-Lopez, Pargas and Jaramillo, a list of goals and objectives for the Police Department had been created. Mayor Bhasker stated that the public will be well-represented with the list.

Councilor Monette made a motion to approve the list of goals and objectives for the Police Department with the understanding that the document can be changed if needed. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

b. Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Rhonda Malone – 7-5-14 – Police – Resignation

Eric Sewell – 6-16-14 – Library – New Hire (Reference Manager) – A-24

Mike Winders – 6-1-14 – Police – Appointed as Police Chief – Q-52 to Q-60

Temporary New Hires: Elizabeth Dunning, Ibrahim Maiga

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Paul Marquez, Carlos Alvarado, Ramiro Garza, Albert Hernandez, George Romero, Mike Jojola, Elias Jacquez, Tony Silva, Regina Valencia, Sergio Cuevas, Angelica Vega, Michael Padilla, Jeremy Chavez, Brittany McDaniel, Ryan Romero, Eric Sewell, Shaina Lopez, Jared Marquez

Student Workers: Matthew Jojola, Tamera Chavez, Maria Alderete, Giovanna Rosas, Deanna Blair, Samantha Maldonado, Geir Hareland

Referees (9), Zumba (2), Lifeguards (12), Summer Youth (95)

Seconded by Councilor Romero, motion passed unanimously.

b. Business Registrations

Councilor Monette motioned to approve the business registrations as read by Mayor Bhasker:

Senn City Fireworks – C-2 – 317 S. California Street – Stephen Senn - Fireworks

Seconded by Councilor Chavez-Lopez, motion passed unanimously.

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c. Voucher Run

Councilor Monette made a motion to approve vouchers 123207 to 123049 in the amount of \$727,591.79, plus Payroll Transfers (\$312,561.88), for a total of \$1,040,153.67. Seconded by Councilor Fleming, motion passed unanimously.

d. Announcement – Next City Council Meeting Date and Time – July 7, 2014 @ 6:00 p.m.

Mayor Bhasker stated that the next regular City Council meeting would be held on July 7, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 8:02 p.m., Councilor Monette motioned to adjourn. Seconded by Councilor Fleming, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

/s/

Ravi Bhasker, Mayor

ATTEST:

/s/

Pat Salome, City Clerk

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July 21, 2014**

Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Peter D. Romero, Councilor Gordy Hicks, Councilor Ernest Pargas, Councilor Mary Ann Chavez-Lopez, Councilor Donald Monette and Councilor Toby Jaramillo. Councilor Nick Fleming and Councilor Michael Olguin were absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF JULY 21, 2014 CITY COUNCIL MEETING AGENDA

Councilor Hicks made a motion to approve the agenda as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

CONSIDERATION OF MINUTES

a. July 7, 2014

Councilor Hicks made a motion to approve the minutes as presented. Seconded by Councilor Romero, motion passed unanimously.

PUBLIC FORUM

Bryn Botko, Head Coach of the Socorro Stingray Swim Team, stated that the team attended the New Mexico Games over the summer and placed 3rd overall. Several of the swim team members also attended the meeting with their ribbons and trophies. Ms. Botko stated that 33 swimmers attended the State finals and the team placed 10th overall. Mayor Bhasker stated that the City would provide a banner for the swim team next summer. Mayor Bhasker and the City Council congratulated the swimmers on their successful summer.

DISCUSSION AND DELIBERATION

a. Decision by SEC Member/Owners Regarding Municipal Acquisition - Resolution

Mayor Bhasker presented Resolution No. 14-07-21 which, if approved, resolves the following:

"NOW, THEREFORE, be it resolved by the Governing Body of the City of Socorro, that without input discouraging the City from acquiring the SEC (within the City limits) obtained at a legally organized, officially conducted and binding cooperative meeting (held in accordance with cooperative guidelines and SEC bylaws) by the member/owners of the SEC, the City will aggressively pursue the items contained in the June 16, 2014 resolution (pertaining to the initial phases of acquisition) and will systematically and legally move through the acquisition process.

Be it understood that should the democratic member control process be recognized and honored by the SEC Board in allowing member/owners an opportunity to vote on the question regarding municipal acquisition, the costs to both member/owners and municipal taxpayers would be kept to a minimum and the will and the integrity of the owners maintained and carried out.

Be it further understood that by passage of this resolution, the Socorro City Council encourages the SEC Board to give the member/owners an opportunity to vote on the question regarding municipal acquisition."

Mayor Bhasker stated the resolution encourages a decision by the SEC member/owners regarding municipal acquisition. Mayor Bhasker stated there have been complaints regarding the SEC for many years. Mayor Bhasker stated that SEC leadership has not made any changes to address those complaints. Mayor Bhasker stated that he feels the City is the last option member/owners have to try and change the actions of the SEC. Mayor Bhasker stated that the City has the option of partnering with a third party who is familiar with the industry should the utility be acquired by the City. Mayor Bhasker stated that the City will be meeting with the Co-op auditing company that the SEC has hired on August 27th and the Administration intends to address the seven tenants of cooperatives that this cooperative is not following. Mayor Bhasker stated that the member/owners should have a meeting and if the decision is made by the member/owners to sell the business, the Board should not be able to stop them. Mayor Bhasker stated that the City will not pursue an acquisition if the member/owners are not interested in the acquisition. Mr. Salome stated that the SEC Board and management have been using the fact that there is not a quorum to promote their agenda. Mr. Salome stated that the failure to have a quorum lies with the

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management and not the member/owners. Charlie Wagner, an SEC Trustee, stated that Board has the ability to call a special meeting. Mr. Wagner stated that a majority of the Trustees can also call a meeting. Mr. Wagner stated that ten percent of the membership can call a special meeting. Councilor Monette asked who would preside over the meeting. Mr. Wagner stated that the Board President usually presides over the meeting but that a registered, independent parliamentarian could also preside over the meeting. Mayor Bhasker stated that the City Administration is currently reviewing documentation from the SEC (acquired through the Request to Inspect Public Records Act) which may take three to six months.

Councilor Hicks made a motion to approve Resolution No. 14-07-21. Seconded by Councilor Jaramillo, motion passed unanimously.

b. Agreement – City of Socorro & KFH Group Inc. – Fixed Route Transit Service Plan

Mayor Bhasker presented an agreement between the City of Socorro and KFH Group Inc. to develop a Fixed Route Transit Service Plan for the City of Socorro. Mayor Bhasker stated that the group will also evaluate the City's current transportation system to see if any changes need to be made. Mayor Bhasker stated that having the plan will allow the City to request funds from the NM Department of Transportation for transportation purposes. Councilor Monette pointed out that Article VII reads State of South Dakota and needs to be changed to State of New Mexico.

Councilor Monette made a motion to approve the agreement between the City of Socorro and KFH Group Inc. as amended. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

c. Final Budget Approval FY 2014-2015 – Resolution No. 001-B

Mayor Bhasker presented Resolution No. 001-B which adopts the final budget for the City of Socorro for FY 2014-2015. Councilor Monette stated that in the last paragraph, in reference to the State Procurement Code, the words "Chapter 4" need to be changed to "Chapter 13".

Councilor Monette made a motion to approve Resolution No. 001-B as amended. Seconded by Councilor Hicks, motion passed unanimously.

d. In-House Budget Resolutions 105 and 106

Ms. Gonzales explained that In-House Budget Resolutions 105 and 106 are adjustments within a department which are needed to allow for expenditures through the end of the fiscal year. The adjustments move funds from one line item to another within the same department. Budget Resolutions 105 and 106 include adjustments in the General Fund and Joint Enterprise Fund.

Councilor Hicks made a motion to approve In-House Budget Resolutions 105 and 106. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

e. Budget Resolutions

1. No. 19 – Lodger's Tax Promo Fund

Resources are Beginning Cash Balance Available – Requirements are Salaries, Salaries OT and Capital Outlay – Amount is \$45,000.00 – The increase is needed to allow for expenditures to June 30, 2014.

2. No. 20 – Joint Enterprise Fund – Gas Department

Resources are Unanticipated Revenue – Requirements are Natural Gas Purchases – Amount is \$275,000.00 – The increase is needed to allow for expenditures to June 30, 2014.

Councilor Monette made a motion to approve Budget Resolutions 19 and 20. Seconded by Councilor Romero, motion passed unanimously.

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COMMITTEE REPORTS

Ms. Gonzales stated that the Utility Billing Committee will meet on July 30th at noon at City Hall.

DEPARTMENT DIRECTOR REPORTS

None.

NEW BUSINESS

None.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. Personnel Changes

Councilor Romero motioned to approve the personnel changes as read by Mayor Bhasker:

Daniel Chavez – 7-21-14 – Parks – New Hire (Parks Crewman) – A-19
Katy Weaver – 7-22-14 – Tourism – New Hire (Tourism Clerk) – A-16
Juliet Montoya – 7-1-14 – Animal Shelter – Merit/Additional Job Duties – D-22 to D-24
Orlando Martinez – 8-1-14 – Fire – New Hire (FF/EMT Recruit) – A-26

Temporary New Hires: Rick Silva, Natasha Otero, Kevin Gonzales

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Paul Marquez, Carlos Alvarado, Ramiro Garza, Albert Hernandez, George Romero, Mike Jojola, Elias Jacquez, Tony Silva, Regina Valencia, Sergio Cuevas, Angelica Vega, Michael Padilla, Jeremy Chavez, Brittany McDaniel, Ryan Romero, Shaina Lopez, Jared Marquez, Elizabeth Dunning, Ibrahim Maiga

Student Workers: Matthew Jojola, Tamera Chavez, Maria Alderete, Giovanna Rosas, Samantha Maldonado, Sistine Dunn

Referees (10), Zumba (2), Lifeguards (12), Summer Youth (95)

Seconded by Councilor Jaramillo, motion passed unanimously.

b. Business Registrations

Councilor Hicks motioned to approve the business registrations as read by Mayor Bhasker:

Clara Reyes Agency – C-1 – 101 ½ Eaton – Clara Reyes – Insurance
CCI Systems Inc. – Out of Town – Iron Mountain, MI – Corporation – Mapping of Baja Broadband System
Divine Nutrition – C-2 – 409 California Street – Olivia Lopez & Miguel Saavedra – Health Club

Seconded by Councilor Romero, motion passed unanimously.

c. Voucher Run

Councilor Hicks made a motion to approve vouchers 130470 to 130610 in the amount of \$550,891.92, plus Payroll Transfers (\$339,873.74), for a total of \$890,765.66. Seconded by Councilor Romero, motion passed unanimously.

Councilor Hicks made a motion to approve vouchers 130611 to 130869 in the amount of \$738,083.43, plus Payroll Transfers (\$353,015.46), for a total of \$1,091,098.89. Seconded by Councilor Romero, motion passed unanimously.

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d. Announcement – Next City Council Meeting Date and Time – August 4, 2014 @ 6:00 p.m.

Mayor Bhasker stated that the next regular City Council meeting would be held on August 4, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 8:02 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Monette, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

/s/
Ravi Bhasker, Mayor

ATTEST:

/s/
Pat Salome, City Clerk

City of Socorro Regular City Council Meeting
City Hall, 111 School of Mines Road, Socorro, NM 87801
August 4, 2014

Mayor Ravi Bhasker called the meeting to order at 6:00 p.m. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Donald Monette, Councilor Toby Jaramillo, Councilor Michael Olguin and Councilor Mary Ann Chavez-Lopez. Councilor Gordy Hicks, Councilor Peter Romero, Councilor Ernest Pargas and Councilor Nick Fleming were absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF AUGUST 4, 2014 CITY COUNCIL MEETING AGENDA

Councilor Monette made a motion to approve the agenda as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. July 21, 2014

Councilor Monette made a motion to approve the minutes as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Councilor Monette stated that at the previous City Council meeting, in regards to the final budget approval, he requested the Chapter be changed from 4 to 13. Councilor Monette stated that the reference to Chapter 4 is correct and does not need to be changed.

PUBLIC FORUM

a. Benny Barreras – Comments on City Water Rights Lease

Mr. Barreras spoke against diverting water from the San Augustine Plains to other outside areas. Mr. Barreras stated that he thought the City would be doing the same thing with the City's water. Mr. Salome explained that the City would be leasing the water rights to local farmers in order to use the unused City water rights to bring water into the area. Mayor Bhasker stated that the Kokopelli Ranch applied to claim water rights to sell water like the San Augustine Plains proposal and that this would actually infringe on the City's watershed. Mayor Bhasker stated that the Kokopelli Ranch did not get adjudicated all the water rights that they asked for and the request was severely cut. Mayor Bhasker stated that NM Tech protested the request and he feels it is important for people to protest if they feel that they have an opposing view. Mayor Bhasker stated that he feels water rights are the same as property rights. Mr. Salome stated that by leasing the City's water rights (to local area residents), it will bring more water into the area and allow farmers who may not have water rights with their property to continue farming.

b. Santos Aragon – Comments Regarding the SEC

Santos Aragon, an SEC member/owner of District 1 (northern Socorro County), stated that in a survey done by Touchstone Energy in 2012, the SEC rated below the national benchmark on several items including "handles problems promptly", "good value for the money" and "a name you can trust". Mr. Santos stated that the survey also showed a low customer satisfaction rating. Mr. Santos stated that he feels people opposed to SEC policy are fighting for fairness. Mr. Santos stated that he was disgusted by the last SEC meeting where the SEC Board wanted to censor Trustee Charlie Wagner. Mr. Santos stated that when a motion was made to vote on the censorship even though Mr. Wagner was not there, the motion was immediately seconded and passed with little discussion which he feels was not right. Mr. Santos stated that in 2013, his son applied for an SEC scholarship (\$1,000 per year). Mr. Santos stated that the SEC, which normally only awards one scholarship in Belen, awarded 2 scholarships, both to family members of SEC Board of Trustee Leo Cordova. Mr. Santos stated that when he contacted SEC Trustee Leo Cordova, Mr. Cordova stated that he never knew Mr. Santos' son applied for the scholarship. Mr. Santos stated that he contacted other cooperatives in New Mexico for their cost per kilowatt of electricity. Mr. Santos stated that the SEC has the highest cost per kilowatt. Mr. Santos stated that when he questioned the rates, "they (co-op management) blew me off" and stated the information was wrong. Mr. Santos stated that there is no honesty and no self-regulation. Mr. Santos stated that he has sent letters regarding the scholarship and has not received a response. Mr. Santos stated that he has also filed a complaint with the PRC. The material

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provided to the City Council by Mr. Santos has been filed under the heading "Aragon, Santos (SEC)" in the City Clerk's Office.

Mayor Bhasker stated that the City has requested the member/owners have a meeting and vote on the direction that should be taken.

Councilor Hicks arrived.

Mayor Bhasker stated that there are seven tenants of cooperatives that are not being fulfilled and how do we get the SEC to modify their behavior to get them to operate this co-op within the tenants. Mayor Bhasker stated that the City Administration is meeting with the consulting firm hired by the SEC on August 27th at which time the Administration plans to give them the information it has gathered regarding the SEC. Mr. Wagner explained how the SEC became a member of Touchstone Energy and the results of the survey mentioned by Mr. Santos earlier.

Marie Watkins stated that the SEC's general manager came to Socorro from the Salt River Project. Ms. Watkins stated that after some investigation, she found that customers were dissatisfied during his tenure there. Ms. Watkins provided a handout with information regarding compensation of the SEC trustees from 2006 to 2010. Ms. Watkins stated that in regards to capital credits, there is a statement about the credits in the Enchantment Magazine that states members are entitled to their capital credits (Ms. Watkins read the statement).

Charlene Wagner gave a handout with contact information for the consulting firm hired by the SEC as well as contact information for the City of Socorro. Ms. Wagner stated that the members need the information in case they choose to provide documentation regarding the SEC. Ms. Wagner stated that the contract between the SEC and the consulting firm stated a link with the information would be on the SEC's website but that the link is not there.

Councilor Olguin asked about the goal of the consulting firm. Ms. Wagner stated that the firm was hired through NRECA to look into the SEC practices. Ms. Wagner stated that the firm will look at all of the data collected about the SEC and make recommendations, per the contract, to the members. Ms. Wagner stated that there is a bank/company that could give the SEC funds to fight a municipal acquisition. Mayor Bhasker reiterated that the City would like to see a meeting of the member/owners to vote on the direction that they would like the co-op to take.

Councilor Olguin asked how the SEC determines their rates. Mr. Wagner stated that a consultant develops new rates for the SEC. Mr. Wagner stated that the Board of Trustees then votes on whether or not to implement the rates. Mr. Wagner stated the rates are then sent to the PRC. Mr. Wagner stated that if 25 people object to the rates, the PRC freezes the current rates and does a cost of service analysis to determine if the rates are fair. Mr. Wagner stated that the PRC will then make a decision regarding the rates. Mr. Wagner stated that if 25 people do not object, the SEC moves forward with publishing and implementing the new rates. Mr. Wagner stated that the last rate increase occurred because the SEC was in "constructive default".

Councilor Olguin asked how often the general manager's contract is reviewed by the Board of Trustees. Mr. Wagner stated that the Board of Trustees has 2 important jobs – hiring a general manager and overseeing the performance of the manager. Mr. Wagner stated that when he has tried to "oversee" the manager, he "gets in trouble" and nobody wants to hear the complaints. Mr. Wagner stated he feels a strategic plan should have been created and given to the manager and the manager's compensation should be based on whether or not he complies with the strategic plan. Mr. Wagner stated that everything the SEC does is based on how well the manager is meeting his obligations.

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Rachel Lucero, along with her mother Mary Lucero, stated that her electric bill is high and she has been unable to get an explanation from the SEC as to how the rates are calculated. Ms. Lucero stated that she feels uninformed as to what her options are in trying to get answers from the SEC and that is why she attended the City Council meeting. Mayor Bhasker asked Ms. Lucero to provide her concerns in writing so that it can be submitted to the consulting firm and to make sure to document who she speaks to when she calls the SEC offices. Mr. Salome stated that he feels it is a failure on the part of the management of the SEC that customers feel disconnected and do not understand their role.

Eric Stargardt stated that he feels the Co-op is an easy target to go after. Mr. Stargardt stated that he likes the fact that Socorro has a co-op. Mr. Stargardt stated that he doesn't feel going through PNM or any other party would be ideal in giving the members more of a voice. Mr. Stargardt stated that he feels there is room for improvement in the SEC. Mr. Stargardt stated that he has gone into SEC offices and was able to speak to a manager and get answers to his questions. Mr. Stargardt stated that he would like to see changes in the SEC disconnect policy. Mr. Stargardt stated that there are problems with regards to getting and maintaining a quorum at member meetings. Mr. Stargardt stated that hiring a private mediator to run the meetings might help. Mr. Stargardt stated that he feels the employees at the SEC will work with customers and that the linemen do a good job. Mayor Bhasker agreed that a mediator may help in the running of the meetings. Mayor Bhasker agreed that the linemen do a terrific job. Mayor Bhasker stated that he would like to see some dialogue but the SEC has been unwilling to get a dialogue started.

c. Infrastructure Capital Improvements Plan (ICIP) – Public Input

Mayor Bhasker stated that the City is currently working on its ICIP and asked anyone who would like a project added to the ICIP to present their information to the City for consideration. Mr. Salome provided a ranking sheet and asked the City Council to rate their top five priorities as they would like to see them appear on the list. Mayor Bhasker stated that he would like to see the rodeo arena/soccer fields remain as the top priority as the project is ongoing and approximately \$500,000 is needed to complete the project. Councilor Monette asked if the \$583,700 in loan funds for wastewater treatment plant improvements will complete the project. Lloyd Martinez, Wastewater Superintendent, stated that it will upgrade the plant to last 10 to 15 more years.

SECOND READING OF ORDINANCES – CONSIDERATION OF APPROVAL

a. Ordinance No. 14-07-07 – Wastewater Treatment Plant Improvements Loan

Mayor Bhasker presented Ordinance No. 14-07-17 which, if approved, will authorize the City of Socorro to enter into a loan agreement with the New Mexico Environment Department for the purpose of obtaining wastewater construction loan funds in the amount of \$583,700. Mayor Bhasker stated that it has been 20 years since the plant was rehabilitated and the changes are necessary.

Councilor Hicks made a motion to go into public hearing. Seconded by Councilor Monette, motion passed unanimously.

Mr. Martinez stated that the loan funds will go towards replacing the bar screen, influent pumps, panel and blowers. Mable Gonzales, City Treasurer, stated that the loan will be paid with revenues from the Joint Enterprise Fund.

Councilor Hicks made a motion to go back into regular session. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Councilor Hicks made a motion to approve Ordinance No. 14-07-07. The motion was seconded by Councilor Monette. After a roll call vote, motion passed unanimously.

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DISCUSSION AND DELIBERATION

a. Public Hearing – Liquor License Application – Restaurant Beer and Wine License with On Premise Consumption Only – Twisted Chile Brewing Co.

Councilor Olguin made a motion to go into public hearing. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Mayor Bhasker stated that Twisted Chile Brewing Co. has requested a Restaurant Beer and Wine License with On Premise Consumption Only which has to be approved by the local Governing Body. KC and Stephanie McFadden, the owners of Twisted Chile Brewing Co., thanked the community for their support of the new business. Ms. McFadden stated that the business has already received their Small Brewer's License.

Councilor Hicks made a motion to go back into regular session. Seconded by Councilor Olguin, motion passed unanimously.

Councilor Hicks made a motion to approve the Restaurant Beer and Wine License with On Premise Consumption Only for Twisted Chile Brewing Co. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

b. Diana Holzheu – Request to Create Public Access

Ms. Holzheu did not attend the meeting.

c. Resolution No. 14-08-04 – 5311 Rural & Small Urban Public Transportation Program

Mayor Bhasker presented Resolution No. 14-08-04 which, if approved, allows the City to request funding for a public transportation system through the 5311 Rural and Small Urban Public Transportation Program. Mayor Bhasker stated that in making the request, the City will commit and have a funding match which will be funded through the City's general fund. Mayor Bhasker stated that the amount of matching funds to the City is \$129,465.90.

Councilor Monette made a motion to approve Resolution No. 14-08-04. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

d. Construction Bid Award – Waterline Replacement Project

Mayor Bhasker stated that the low bid for the waterline replacement project did not comply with the State's requirements regarding certain documents. Mayor Bhasker stated that the third lowest bidder, J & D Construction, did comply. Mayor Bhasker stated that the Administration is recommending that the City Council accept the base bid from the third lowest bidder. Mayor Bhasker stated that NMED and the NMFA asked the City to decline the first and second lowest bidder as their bids were nonresponsive. Councilor Monette stated that according to Procurement Code, J & D Construction was the lowest responsive bidder and the other two bidders were nonresponsive. Mayor Bhasker stated that the approval should be contingent upon NMED's approval for the base bid only. Mr. Martinez stated that the reference checks were completed for J & D Construction and they were all good. Mr. Martinez stated that if J & D Construction is not willing to honor the prices they presented, the entire project will go out for re-bid.

Councilor Hicks made a motion to award the construction bid to J & D Construction for the base bid only contingent upon NMED's approval for the base bid. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

COMMITTEE REPORTS

Councilor Olguin stated that he has been in contact with the NM Finance Authority in regards to applying for grants for economic development planning. Councilor Olguin stated that he will provide the information to the City Council once it is received.

NEW BUSINESS

None.

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OLD BUSINESS

Councilor Hicks showed a photo of the new van acquired by the El Camino Real Housing Authority.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. New Mexico Municipal League – Voting Delegate

Councilor Jaramillo made a motion to appoint Councilor Hicks as the voting delegate for the City for the 2014 Annual NM Municipal League Conference. Seconded by Councilor Monette, motion passed unanimously. Councilor Romero was named as the alternate voting delegate.

b. Developing a Dispatch Department

Mayor Bhasker presented a flow chart for a newly-proposed Dispatch Department. Mayor Bhasker stated that many other entities have their dispatch center separate from their Police Department. Mayor Bhasker stated that in separating the dispatch center from the Police Department, he feels communication with the Police Department will be more responsive and communicative. Mr. Salome stated that the dispatch center will continue to be located at the Police Department and that the separation is administrative in nature only.

Councilor Monette made a motion to approve the Administration moving forward with the separation of the dispatch center from the Police Department. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

c. Reporting on Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Josh Gonzales – 8-14-14 – Fire – Resignation

Peter Gonzales – 8-4-14 – Police – Completed Probation – A-35 to A-37

David Montoya – 8-18-14 – Landfill – New Hire (Landfill Operator II) – A-32

Joe Gonzales – 7-1-14 – Fire – Additional Job Duties - \$5221/mo to \$5686/mo

Seconded by Councilor Chavez-Lopez, motion passed unanimously.

d. Business Registrations

Councilor Hicks motioned to approve the business registrations as read by Mayor Bhasker:

G & T Products – Out of Town – Veguita, NM – Theresa Sanchez – Sales

Nail Technology Career Center – C-2 – 508 ½ California Street – Nail Technology School

Lucero Tree – R-4 (Approved by P&Z) – 606 Memory Lane – Manuel Lucero – Tree/Yard Service

Seconded by Councilor Monette, motion passed unanimously.

e. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, August 18, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 7:49 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Monette, motion passed unanimously.

**City of Socorro Regular City Council Meeting
City Hall, 111 School of Mines Road, Socorro, NM 87801
August 4, 2014**

THE CITY OF SOCORRO – a municipal corporation

/s/
Ravi Bhasker, Mayor

ATTEST:

/s/
Pat Salome, City Clerk

MINUTES
REGULAR MEETING
BOARD OF TRUSTEES
THE SOCORRO ELECTRIC COOPERATIVE, INC.

FEBRUARY 26, 2014

A Regular Meeting of the Board of Trustees of The Socorro Electric Cooperative, Inc. was held on Wednesday, February 26, 2014 in Socorro, New Mexico.

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The Meeting was called to order at 1:06 p.m. by Anne L. Dorough, President.

CALL TO ORDER

Secretary Cordova called roll and reported those Trustees present and attending the meeting as follows:

ROLL CALL

TRUSTEES PRESENT: Anne L. Dorough, President
 Representative, District V

 Dave Wade, Vice-President
 Representative, District IV

 Leo C. Cordova, Secretary/Treasurer
 Representative, District I

 Charles Wagner, Trustee
 Representative, District II

 Melissa Amaro, Trustee
 Representative, District III

TRUSTEES ABSENT: None

ALSO PRESENT: Joseph Herrera, CEO/General Manager
 Eileen Latasa, HR Manager/Executive Asst.
 Lorna Wiggins, Attorney
 Larry McGraw, RUS Field Representative

SEC MEMBERS PRESENT: Debbie Leschner, Carol Jean Auffrey, Margaret
 Marshall, Mike Czosnek, Collette & Barbara Foard
 Monette Hardem-Lopez, Gerrie Hardem, Hubert R.
 Hardem, Michelle R. Jojola, Christie Chavez, Paul
 Stoehr, Bob Hayes, Barbara Romero, Polo Pineda, Jr.
 Pat Salome, Mable Gonzales, Nann Winter, Ravi
 Bhasker, Cyndi Mae Wade, Marie Watkins
 Charlene West, James Cherry, Charlene F. Wagner
 Don Tripp

Secretary Cordova declared a Quorum of Trustees present.

QUORUM

President Dorough led everyone in the Pledge of Allegiance.

PLEDGE OF
ALLEGIANCE

There being no additions or changes to the agenda, a motion was made by Trustee Amaro to approve the agenda as presented. Motion seconded by Trustee Cordova. Motion carried unanimously.

APPROVAL OF
AGENDA

After review of the Draft of the Minutes of the Regular Meeting of January 29, 2014, a motion was made by Trustee Cordova and seconded by Trustee Amaro to approve the Draft of the Minutes as written. Motion carried unanimously.

REVIEW OF
PREVIOUS
MINUTES

Mr. Paul Stoehr expressed his dissatisfaction with the difficulty in getting issues resolved with the coop and that the board should consider hiring a new manager and law firm.

PUBLIC
INPUT

Ms. Marie Watkins stated that she introduced motions at the 2013 Annual Meeting Continuation and that District V resolutions should be placed on the agenda for the 2014 Annual Meeting.

Ms. Collette Foard presented an update of the capital credits for Trails End Market, Inc.

Mr. Larry McGraw, RUS Field Representative, introduced himself to the members in Attendance and opened the floor to member comments.

RUS-
LARRY MCGRAW

A lengthy and considerate discussion ensued among the board, SEC members and Mr. McGraw. Mr. McGraw responded to all questions and concerns posed to him.

Manager Herrera informed the Board that total expenditures for the month of January, 2014 totaled \$779,726.00.

EXPENDITURE
REPORT

Manager Herrera responded to questions from the Board on the Expenditure Report.

President Dorough accepted the Expenditure Report for January, 2014 as information.

There were no questions from the Board on the Credit Card Expenditures for January, 2014.

CREDIT CARD
EXPENDITURES

Manager Herrera gave a lengthy and detailed explanation of the RUS Form 7 for January, 2014.

RUS FORM 7

There being no questions from the Board on the RUS Form 7 Report, a motion was made by Trustee Wagner and seconded by Trustee Amaro to approve the RUS Form 7 for January, 2014 as information. Motion carried unanimously.

Manager Herrera reviewed the Delinquent Report for January, 2014 with the Board.

DELINQUENT
REPORT

President Dorough accepted the Delinquent Report for January, 2014 as information.

Manager Herrera also reviewed the Outage Report for January and February, 2014.

OUTAGE
REPORT

President Dorough accepted the Outage Report for January and February, 2014 as information.

Manager Herrera informed the Board that the SEC that a new trainer would be conducting the Employee Safety Meetings and there were no loss time accidents during the month of January, 2014.

SAFETY
REPORT

President Dorough accepted the Safety Report for January, 2014.

Manager Herrera gave a detailed and informative account of the NMRECA Report for January, 2014.

NMRECA
REPORT

Manager Herrera informed the Board of the 2014 NRECA Legislative Conference and the 2014 NMRECA Annual Meeting.

Manager Herrera also gave a detailed and informative account of the Tri-State Report.

TRI-STATE
REPORT

Manager Herrera informed the Board that Chapel Mapping completed the GIS Project and that the next phase would be utilizing computers in the trucks for quick accessibility to data when out in the field.

Manager Herrera announced that the SEC had been awarded a \$40,000 Grant for a backup generator for SEC's main building. Application for the grant was made through Socorro County from the New Mexico Homeland Security.

Manager Herrera reported on the four year filing process with the N.M.P.R.C. of the Fuel Purchase Power Cost Adjustment and Variance. Manager Herrera reported that the Annual report was being filed but both he and the former general manager were unaware of the four year filing requirement because the report was filed late but the \$5,000 fee was waived contingent upon the next four year report being filed by the due date.

Manager Herrera also reported that the BP109 Burris Substation distribution line engineered by SGS Engineering and built by CB Ray, Inc., was actually built in the wrong location and was looking at taking possible action on the matter.

In other matters, Manager Herrera reported on the following:

- Questions on the System Charge for members who have meters for their home and shop
- Late payment of the franchise tax to the City of Socorro due to a new accounts payable clerk, in addition to refunds to the City for accounts set up as taxable accounts.
- 2014 NRECA Directors Conference in March in St. Louis, Missouri.
- Meeting with Tri-State New Mexico member coops in Moriarty, New Mexico.

Secretary Cordova reported on the Member Application/Cancellation Report as follows:

- New Connects 0
- Reconnects 110

MEMBER
APPLICATION/
CANCELLATION
REPORT

- Disconnects 136

President Dorough accepted the Member Application/Cancellation Report for January, 2014 as information.

President Dorough informed the Board that the Special By-Law Committee had one Meeting and planned to have another meeting before the next board meeting.

SPECIAL
BY LAW
COMMITTEE
REPORT

President Dorough accepted the Report of the Special By-Law Committee as information.

Attorney Wiggins recommended the Retirement of Patronage Capital to the Estate of Roger Williams in the amount of \$1,117.13. A motion was made by Trustee Cordova and seconded by Trustee Wade to approve the Retirement of Patronage Capital to the Estate of Roger Williams. Motion carried unanimously.

CAPITAL CREDIT
ESTATE
RETIREMENTS

Attorney Wiggins informed the Board that the request for the retirement of Trails End Market Inc.'s Capital Credit's was discussed during Executive Session, after SEC received a letter from counsel for Trails End Market. During its Executive Session, the Board considered all the arguments and authorized Attorney Wiggins to explain the Board's decision on the matter. Attorney Wiggins also stated that she sent a letter to Jeff Taylor, Assistant Attorney General, explaining the position of the Board and to date has not received a response from Mr. Taylor.

TRAILS END
MARKET, INC.
CAPITAL CREDITS

After discussion, a motion was made by Trustee Wagner and seconded by Trustee Amaro to consider making the \$26,000 payment of capital credits to Trails End Market, Inc., in total or in installments based on an accounting analysis that's required by policy.

President Dorough asked for Attorney Wiggins response.

Attorney Wiggins stated that Board can exercise discretion in approving an early retirement of capital credits but typically retirements are made to estates of deceased patrons as opposed to a corporation that is winding down.

Trustee Wade asked for further clarification on whether the SEC had ever made an early retirement of capital credits to an entity. Attorney Wiggins responded that after talking to staff that an early retirement of capital credits had not been approved in the past.

President Dorough then called for the vote on Trustee Wagner's motion. Trustee Amaro and Wagner voted in favor of the motion. Trustees Wade and Cordova were opposed. President Dorough broke the tie and voted against the motion. Motion failed.

A motion was made by Trustee Wagner and seconded by Trustee Amaro to approve the Resolution for RUS Form 675. Motion carried unanimously.

APPROVAL OF
FORM 675
RESOLUTION

A motion was made by Trustee Wagner and seconded by Trustee Cordova to approve the First State Bank Safety Deposit Access Resolution. Motion carried unanimously.

APPROVAL OF
FIRST STATE
BANK
RESOLUTION

President Dorough appointed Manager Herrera as the Voting Delegate to the Tri-State Annual Meeting by acclamation after no trustee indicated that they were planning on attending.

APPROVAL OF
VOTING
DELEGATE TO
TRI-STATE
ANNUAL MEETING

A motion was made by Trustee Wagner and seconded by Trustee Amaro to approve \$141,344.31 in write-offs for consumer electric accounts for 2012. Motion carried unanimously.

CONSIDERATION
OF ENERGY
UNCOLLECTIBLE
WRITE-OFFS

After discussing possible dates for the 2014 Annual Meeting, a motion was made by Trustee Wagner and seconded by Trustee Amaro to set the date and location of April 26, 2014 at the Finley Gymnasium.

SET DATE,
TIME &
LOCATION FOR
2014 ANNUAL
MEETING

Further discussion ensued on the 2012 District V Resolutions and setting member registration for 1:00 p.m. with the Business Session commencing at 3:00 p.m.

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Trustee Wagner made an amendment to his motion to set member registration for 11:00 a.m. and the Business Session to begin at 1:00 p.m. The amendment failed due to lack of a second.

President Dorough then called for the vote to set the date of April 26, 2014 at the Finley Gymnasium with member registration from 1:00 p.m. to 3:00 p.m. and the Business Meeting to start at 3:00 p.m. Motion carried with Trustee Wagner opposed.

After discussion on setting the date and time for the next regular meeting, a motion was Made by Trustee Amaro and seconded by Trustee Wade to set the date of Monday, March 24, 2014 at 2:00 p.m. for the next regular meeting. Motion carried with Trustee Wagner opposed.

There being no further items open for discussion, President Dorough adjourned the Meeting at 3:37 p.m.

SET DATE &
TIME FOR
NEXT REGULAR
MEETING

ADJOURNMENT

Leo Cordova, Secretary/Treasurer

APPROVED:

Anne Dorough, President

I, Leo Cordova,, do hereby certify that I am the Secretary of the Board of Trustees of The Socorro Electric Cooperative, Inc., hereinafter called the "Cooperative" and the above is a true and exact copy of the Minutes of the Regular Meeting held on February 26, 2014.. A Quorum of Trustees was present and acted upon throughout the meeting and none of the Minutes of the above have been rescinded or modified.

Leo Cordova, Secretary/Treasurer

City of Socorro
Regular City Council Meeting
November 4, 2013

Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Peter Romero, Councilor Nick Fleming, Councilor Ernest Pargas, Councilor Michael Olguin, Councilor Donald Monette and Councilor Gordy Hicks. Councilor Toby Jaramillo and Councilor Mary Ann Chavez-Lopez were absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF NOVEMBER 4, 2013 CITY COUNCIL MEETING AGENDA

Councilor Monette made a motion to approve the agenda as presented. Seconded by Councilor Fleming, motion passed unanimously.

CONSIDERATION OF MINUTES

a. October 21, 2013

Councilor Hicks made a motion to approve the minutes as presented. Seconded by Councilor Romero, motion passed unanimously.

PUBLIC FORUM

Mayor Bhasker presented a proclamation to Todd Sweeney and Jennifer Johnson, representatives of the "Driver for Veterans" event that was passing through Socorro. Mayor Bhasker proclaimed November 4, 2013 as "Drive for Veterans Day" in Socorro. Mr. Sweeney explained that the "Drive for Veterans" consists of a 45 day trek from San Diego, California to The Villages, Florida in order to raise funds for charities which provide support for wounded veterans of the Armed Forces. Mr. Sweeney and Ms. Johnson thanked the City of Socorro and the Socorro community for their support.

Laura Haines stated that the recent M Mountain Fly-In was held the last weekend in September and was a successful event. Ms. Haines stated that the sky diving portion of the event is always popular. Ms. Haines stated that applications have been turned in to the military to see if they will provide aviation for next year's event as they were unable to this year due to the "shut down". Dave Finley stated that the Career Day portion of the fly-in was also successful. Mr. Finley stated that members of the Las Cruces Civil Air Patrol attended this year's fly-in to assist with the event. Mr. Finley thanked the City for their continued support of the event.

Don Steinnerd, who lives near Socorro High School, stated that on October 24th at 1:30 p.m., EMRTC had a blast that he feels was excessive. Mr. Steinnerd stated that while he supports the work of EMRTC, he feels they should be a better neighbor and move the blasts to another location. Mr. Steinnerd asked if the City would be able to support his request. Mayor Bhasker stated that Dennis Hunter, an employee of EMRTC, and Terry Tadano, Chamber of Commerce President, would be inviting members of the public to EMRTC to answer questions the community may have regarding the work performed at EMRTC and stated that it would be a good venue for Mr. Steinnerd to voice his opinion and get some questions answered.

DISCUSSION AND DELIBERATION

a. Public Comment – Socorro Electric Cooperative Franchise Agreement

Mayor Bhasker stated that this is an opportunity for the public to comment on the franchise agreement process between the City of Socorro and the Socorro Electric Cooperative (SEC). Bob Tacker, a local business owner, stated that he feels the Socorro Electric Cooperative is a vital part of the Socorro community but that he has experienced some "issues" with them recently. Mr. Tacker stated that he feels that through the franchise agreement process, the City should provide a person a citizen could contact to assist them with problems they are experiencing with the SEC. Mr. Tacker stated that he feels there is currently no (local) neutral party a consumer can approach with complaints regarding the SEC. Mayor Bhasker stated that he would ask the City's attorney if the City can be, or provide, an arbitrator if the SEC is not following regulations. Mr. Tacker stated that he had a tenant move in who owed a past due bill to the SEC and the SEC placed the tenant's unpaid balance on his (Mr. Tacker's) account. Mr. Tacker stated that it took some time to resolve the matter and that he was able to do so because he called someone he knew at the Public Regulation Commission (PRC) but that not all citizens have this option. Mr. Tacker stated the position could be called

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a "franchise enforcement officer". Mr. Salome stated that the neutral party could help a citizen figure out who to call at either the SEC or PRC, if needed. Mayor Bhasker stated that if the public feels the franchise agreement is unacceptable, 2% of the public who voted in the last election can call for a special election. Joseph Herrera, SEC Manager, stated that even though the franchise agreement has lapsed, the SEC has continued to pay the 2% fees. Mr. Herrera stated that there are venues for a citizen to contact with consumer complaints including the SEC Board and the PRC and that SEC employees will provide the contact information for them if there is an issue they cannot resolve. Mr. Herrera stated that some rules of the SEC can be interpreted in different ways. Mr. Herrera stated that the SEC is trying to do a better job collecting unpaid balance so that rates do not have to be increased. Mr. Herrera stated that there is a place on SEC's website where a citizen can submit a complaint. Mr. Herrera stated that the SEC wants to be part of the franchise agreement process and would like for the agreement to be fair and equitable. Mayor Bhasker stated that the franchise agreement is not just made up of the 2% fees but that it includes other items such as procedures for use of City property, pole maintenance, etc. Mayor Bhasker stated that there are appeals being made that Tri-State is increasing rates and asked the SEC's position to which Mr. Herrera replied that SEC is an intervener. Mayor Bhasker asked what the kilowatt per hour rate was. Mr. Herrera stated that each consumer was different and he could not provide the answer. There was some discussion regarding the charge of kilowatt per hour. Mayor Bhasker thanked everyone for their comments.

b. Legislative Capital Outlay Requests - Discussion

Mayor Bhasker stated that he would like to continue to ask the Legislature for funds for the soccer fields/rodeo arena and asked the Council to provide any other legislative requests. Mayor Bhasker stated that there would be a meeting on December 17th at 9:30 a.m. at City Hall with Senator Morales, Senator Sanchez and Representative Tripp and that he would like to provide them with the City's request at that time. Mr. Salome stated that the Council would be asked for their final decision on requests at the first Council meeting in December so that a formalized request could be created for the meeting on December 17th.

COMMITTEE REPORTS

Councilor Pargas stated that the Juvenile Justice Board will hold a retreat on November 7th at City Hall at 9:00 a.m. to discuss education on truancy and that Ron Lucero from Albuquerque Public Schools would be the guest speaker.

Councilor Pargas stated that the Mayor's Drug Task Force will hold a Town Hall meeting on December 9th at 6:00 p.m. at Finley Gym to follow up from the 2009 Town Hall meeting and that Jennifer Weiss, Executive Director of NM Heroin Awareness, will be the guest speaker.

Councilor Hicks, on behalf of the Airport Committee, requested that the airport get a new card reader and wind-up hose. Jay Santillanes, Division Director, stated that the City applied for a grant from State Aviation which, if received, will help pay for those 2 new items.

Councilor Monette thanked the Police Department on behalf of Socorro Consolidated Schools for their efficiency and professionalism during a recent situation.

Mr. Salome stated that Election School training would be held later in the week and that the election resolution would have to be approved by the Council at a subsequent Council meeting. Mr. Salome stated that one of the matters the Council will need to consider is the location and number of polling places.

NEW BUSINESS

None.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

City of Socorro
Regular City Council Meeting
November 4, 2013

MAYOR'S REPORT

a. Reporting on Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Julio Peguero – 11-5-13 – Sanitation – Obtained CDL Class B License – I-34 to I-36
Bert Padilla – 11-5-13 – Landfill – Obtained Landfill Operator Certification – A-19 to A-21
Tim Gonzales – 11-5-13 – Landfill – Obtained Landfill Operator Certification – B-31 to B-33
Christopher Hobough – 11-5-13 – Sanitation – New Hire (Sanitation Truck Driver) – A-32

Seconded by Councilor Pargas, motion passed unanimously.

b. Business Registrations

Councilor Hicks motioned to approve the business registrations as read by Mayor Bhasker:

Roadway Inn – C-2 – 807 S Hwy 85 – Corporation – Motel
Mosher Enterprises Inc. – Out of Town – Albuquerque, NM – Corporation – Electrical Contractor
Home Building LLC – Out of Town – Rio Rancho, NM – Peter Apers – Residential Builder
Ice and Water Co. LLC – C-2 – 103 Winkler – Ken Swain – Vending Machine
The Underground – C-2 – 400 California Street – Philip Holt – Tobacco and Accessories Sales
Albrite Electrical Services – R-4 (Approved by P&Z) – 1213 N Main Street – Orlando Armijo Jr. – Electrical Contractor

Seconded by Councilor Fleming, motion passed unanimously.


c. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, November 18, 2013 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 7:05 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Fleming, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation



Ravi Bhasker, Mayor

ATTEST:



Pat Salome, City Clerk

City of Socorro
Regular Scheduled City Council Meeting
December 16, 2013

Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Ernest Pargas, Councilor Nick Fleming, Councilor Mary Ann Chavez-Lopez, Councilor Peter Romero, Councilor Michael Olguin and Councilor Toby Jaramillo. Councilor Donald Monette and Councilor Gordy Hicks were absent.

PLEDGE OF ALLEGIANCE

Mayor Ravi Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF DECEMBER 16, 2013 CITY COUNCIL MEETING AGENDA

Councilor Fleming made a motion to approve the agenda as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. December 2, 2013

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

PUBLIC FORUM

Kim Schaeffer, a teacher at Cottonwood Valley Charter School, stated that she attended a City Council meeting in October in order to invite City employees to go to the school and read to the students in her reading program. Ms. Schaeffer stated that the program is going great. Ms. Schaeffer stated that there is one City employee as well as several other Socorro residents that are participating. Ms. Schaeffer invited the City Council to participate in the program. Ms. Schaeffer stated that the Chamber of Commerce will be putting information regarding the reading program in their newsletter. Mayor Bhasker thanked Ms. Schaeffer for the update.

Joe Torres, a resident of Fisher Street, requested that speed bumps be placed on Fisher Street. Mr. Torres stated that speeding has become a problem on the street. Mayor Bhasker asked Mike Winders, Assistance Police Chief, to have officers patrol the area and stated that he would look into the placement of speed bumps in the area.

Sherry Maguire thanked the City of Socorro for providing a space at Finley Gym for yoga classes. Ms. Maguire requested that the City provide staff for cleaning as the area is not being cleaned regularly. Mayor Bhasker stated that he would address the matter.

Nadine Ulibarri-Kellar stated that the Bountiful Baskets program is a food co-op (fresh produce) sponsored by Healthy Kids Socorro County. Ms. Ulibarri-Kellar stated that deliveries will be made January 10th in Magdalena at the Magdalena School building. Ms. Ulibarri-Kellar stated that interested parties order and pay online and that anyone can participate. Ms. Ulibarri-Kellar stated that the program will be coming to Socorro in the future.

DISCUSSION AND DELIBERATION

a. Public Comment – Socorro Electric Cooperative Franchise Agreement

Mayor Bhasker stated that this is an opportunity for the public to comment on the franchise agreement process between the City of Socorro and the Socorro Electric Cooperative (SEC).

Audrey Clifford read a letter that she sent to the SEC on May 3, 2011 regarding a request for capital credits. Ms. Clifford stated that she never received a response from the SEC. Ms. Clifford provided a copy of the letter to the Mayor. Mayor Bhasker thanked Ms. Clifford for her comments. Ms. Clifford's letter will be filed in the City Clerk's Office under "Socorro Electric Cooperative Franchise 2013".

Collette Foard gave a history of Trails End Market, a business (corporation) that she owned and closed in May 2012. Ms. Foard stated that she had over \$26,000 in capital credits with the SEC for the years 1993 through 2012. Ms. Foard stated that she met with Eileen Latasa, of the SEC, and requested a refund and was informed that she had to "die" in order for the capital credits to be collected.

Councilor Hicks arrived.

City of Socorro
Regular Scheduled City Council Meeting
December 16, 2013

Ms. Foard stated that she followed up in-person with an e-mail to the SEC to which she received a reply that said only upon death of a member may the SEC Board authorize payment. Ms. Foard stated that she then went to her attorney who sent a letter to the SEC requesting the payment. Ms. Foard stated that after several letters between her attorney and the SEC attorney, her request was ultimately denied. Ms. Foard stated that she wrote a letter to the State of New Mexico Attorney General's Office who, in turn, wrote a letter to the SEC stating that "it could be considered an unfair trade practice if SEC refuses to retire such credits". Ms. Foard stated that the SEC has still refused to return her capital credits. Ms. Foard stated that at present time, she has filed a complaint with the Secretary of States office and is awaiting a reply. Ms. Foard stated that she also contacted the PRC and RUS with her concerns but was told there was nothing they could do to help. Ms. Foard provided a handout with copies of all her documentation. Ms. Foard's documentation will be filed in the City Clerk's Office under "Socorro Electric Cooperative Franchise 2013".

Ms. Foard stated that the funds belong to the corporation and in order for her to dissolve the corporation, she must collect all assets or the assets will be forfeited. Ms. Foard stated that she feels the SEC attorney would like to go to court on the matter in order to make money. Ms. Foard stated that she does not want to sue the SEC for the payment because the SEC members will ultimately have to pay the legal fees. Ms. Foard stated that she received an anonymous letter telling her to "beware of SEC employees and trustees" and that she is being treated "cold" by some of the people associated with the SEC. Ms. Foard stated that the bylaws are very black and white and that she is owed the money.

Councilor Pargas stated that after the last City Council meeting, where this same topic of discussion took place, an SEC employee approached him at his place of work in an angry manner. Councilor Pargas stated that the SEC employee impeded his ability to work and when attempts were made to remove her from the situation she "went off". Councilor Pargas stated that he was also mentioned in a Letter to the Editor in the local newspaper. Councilor Pargas stated that he does not feel this treatment is warranted. Councilor Pargas stated that trust and good customer service are lacking when it comes to the SEC. Councilor Jaramillo stated that he also was unable to get his capital credits from the business he closed.

Ms. Foard stated that she thinks changes by the SEC need to be done by leverage. Ms. Foard stated that she feels the franchise agreement between the City and the SEC should be done for a one-year term. Ms. Foard stated that she spoke with Board member Ann Dorough and she was not aware of Ms. Foard's situation. Mr. Salome pointed out that the letter the SEC's attorney wrote to the Attorney General's Office states that the "Board" denied Ms. Foard's payment. Mr. Salome asked Charlie Wagner, another SEC Board member who was at the meeting, if he had voted on the matter. Mr. Wagner stated that he had not ever heard the matter at a meeting but that a vote could have taken place during executive session and he was not allowed in executive session.

Mayor Bhasker stated that he would like to see the SEC's bottom line, how the funds are dispersed and whether or not the SEC informs members of their total amount of capital credits.

Ben Hall, PRC Commissioner for District 5 and PRC Chairman, stated that the PRC cannot regulate co-ops other than rates and fees. Mr. Hall stated that the PRC used to be able to look at co-op financials but that the Legislature no longer allows it. Mr. Hall stated that the PRC does listen to all complaints and that he is the one who referred Ms. Foard to the Attorney General's Office. Mr. Hall stated that the PRC will do what it can to help in this situation but that they cannot get involved in the franchise agreement process. Mr. Hall stated that in 2011, the SEC had approximately \$19 million in capital credits. Mr. Hall stated that in 2013, the SEC paid approximately \$1.5 million in capital credits. Mr. Hall stated that the fund should have approximately \$18 million in it but he does not believe the money is there. Mr. Hall stated that the utility bills from the SEC should have each member's capital credit amount listed on the bill. Mr. Hall stated that the PRC does get a copy of the SEC's budget every year but that there is nothing the PRC can do with it. Mr. Hall stated that for rate increase, 25 people can protest and then the PRC can get involved with rate increase matters. Mr. Hall stated that the SEC currently has \$42 million in debt. Mayor Bhasker thanked Mr. Hall for his comments.

City of Socorro
Regular Scheduled City Council Meeting
December 16, 2013

Charlie Wagner, District 2 SEC Trustee, provided a handout to the Mayor and Council. Mr. Wagner stated that he feels all customers should be given a copy of the SEC by-laws. Mr. Wagner read the section of the by-laws that pertain to capital credits. Mr. Wagner stated that when a refund is requested, SEC staff should make the appropriate calculation and present it to the Board to ensure the SEC will not be negatively affected. Mr. Wagner stated that the capital credits are provided by the patrons. Mr. Wagner stated that the SEC, in the past, violated IRS code by not reporting the amount of capital credits to the customers. Mr. Wagner stated that he feels the new trustees, Melissa Amaro and Ann Dorough, will be assets to the board. Mr. Wagner stated that he feels the new board will help create a user-friendly Co-Op and will recognize that the members are in charge. Mr. Wagner stated that the RUS has announced a loan process in support of energy efficient programs sponsored and implemented by electric utilities for the benefit of its customers. Mr. Wagner stated that he feels this change will result in increased employment at the SEC, create economic growth and reduce utility bills.

Mr. Wagner stated that forfeited capital credits go into a Scholastic Scholarship Foundation and that only the SEC Board can award the scholarships. Mr. Wagner stated that he does not know how much is in the Foundation but that it does have an audit done very year. Mr. Wagner stated that if someone can prove they are entitled to funds that have been placed in the Foundation, they will be refunded from the monies in the Foundation. Mr. Wagner stated that customers have a two year period to claim their funds before they are placed in the Foundation.

Mayor Bhasker asked Mr. Wagner to make Eileen Latasa aware that she is more than welcome to address the City Council during a public meeting but that addressing a City Councilor at his place of employment is inappropriate. Mayor Bhasker stated that he sent a letter to the manager, Joseph Herrera, regarding the incident. Mr. Wagner stated that he would follow up on the matter. Mayor Bhasker stated that the Administration would be creating an outline in January to submit to the City's attorney handling the franchise agreement process. Mayor Bhasker thanked everyone for their comments.

b. Engineering Task Order #13-04 – JO Gallegos Road – Final Phase

Mr. Salome presented Task Order #13-04 from Dennis Engineering which includes design and construction phase services to complete the reconstruction of JO Gallegos Road. Mr. Santillanes stated that the amounts for the task order are \$3,220.00 for design phase services, \$27,600.00 for construction phase services and \$1,720.00 for additional services.

Councilor Hicks made a motion to approve Task Order #13-04 from Dennis Engineering. Seconded by Councilor Romero, motion passed unanimously.

c. Legislative Capital Outlay Request

Mayor Bhasker presented a 2014 legislative briefing sheet for the rodeo and athletic facility. Mayor Bhasker also presented a request for the Wastewater Treatment Plant. Mayor Bhasker stated that there would be a meeting on December 17th at 9:30 a.m. at City Hall with Senator Morales, Senator Sanchez and Representative Tripp and that he would like to provide them with the City's requests at that time. Councilor Olguin asked if the two items were on the City's ICIP. The two items are on the City's ICIP in the second (WWTP) and third (Rodeo/Soccer) positions.

Councilor Hicks made a motion to approve the 2014 legislative requests. Seconded by Councilor Romero, motion passed unanimously.

d. OptumHealth Substance Abuse Service Grant Award

Nadine Ulibarri-Kellar stated that the Mayor's Drug Task Force/SCOPE received a \$400,000 grant to be used for prevention relating to underage drinking, underage drinking and driving, adult binge drinking, adult drinking and prescription drug abuse. Ms. Ulibarri-Kellar stated that the grant is for \$100,000 per year for four years. Ms. Ulibarri-Kellar stated that the first six months will consist mainly of training. Councilor Pargas stated that he will present more information at the next City Council meeting.

City of Socorro
Regular Scheduled City Council Meeting
December 16, 2013

COMMITTEE REPORTS

None.

DEPARTMENT DIRECTOR REPORTS

Councilor Hicks asked Lloyd Martinez, Parks/Production/Water/Special Projects Superintendent about a water leak to which Mr. Martinez replied the City is working on fixing the leak. Councilor Hicks asked what the City was doing in regards to recent natural gas shortages. Mr. Salome stated that the City has been installing bigger natural gas lines in the area of concern (Bullock Avenue) to help alleviate the problem. Mr. Salome also stated that natural gas flow to Dicaperl is being monitored and stopped when necessary. Councilor Hicks stated that he received a complaint regarding the dry weeds in an empty lot on College Avenue. Mike Czosnek, Building Inspector, stated that he would contact the property owner regarding the weeds.

Mable Gonzales, Finance Director, stated that the City has reached the end of the lease/purchase agreement for the dozer at the landfill and will be determining whether to turn the dozer in or purchase the dozer.

Jennifer Gonzales, Tourism Director, stated that La Pastorela will be held on December 20th at 6:30 p.m. Ms. Gonzales stated that the No Limits Car Show/Toy Drive will be held December 21st at Smith's. Ms. Gonzales stated that the Mariachi Christmas event will be held on December 21st at NM Tech.

Terry Tadano, Chamber of Commerce President, stated that he is retiring and his replacement would be Deb Caldwell. Mr. Tadano stated that Ms. Caldwell will start January 6th and that he will introduce her at the next City Council meeting. Mayor Bhasker stated that he appreciates all of the work Terry has done for the City.

NEW BUSINESS

Councilor Jaramillo stated that his annual food drive would distribute food on December 21st.

Councilor Romero stated that the annual DAV Christmas feast would be held on December 23rd from 11:00 a.m. to 3:00 p.m. and invited everyone to attend.

Mayor Bhasker thanked the City of Belen for providing a bucket truck and two employees to assist the City in placing Socorro's Christmas decorations.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. Reporting on Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Christopher Hobaugh – 11-29-13 – Sanitation – Resignation

Wesley Mauldin – 12-9-13 – Police – Resignation

Alfredo Benavidez – 12-16-13 – Landfill – Obtained Landfill Certification – B-22 to B-24

Temporary New Hires: Jeremy Chavez, Brittany McDaniel

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Paul Marquez, Carlos Alvarado, Ramiro Garza, Albert Hernandez, George Romero, Mike Jojola, Elias Jacques, Dolores Medina, Regina Valencia, Sergio Cuevas, Nancy Bohling, Michael Padilla

Student Workers: Matthew Jojola, Tamera Chavez, Maria Alderete, Giovanna Rosas, Angelica Lopez, Deanna Blair, Samantha Maldonado

Referees (7), Zumba (2)

Seconded by Councilor Jaramillo, motion passed unanimously.

City of Socorro
Regular Scheduled City Council Meeting
December 16, 2013

e. Business Registrations

Councilor Romero motioned to approve the business registrations as read by Mayor Bhasker:

Allen Douglas Construction – Out of Town – Belen, NM – Corporation – Construction
Girly Girl – C-2 – 101 Manzanares – Vicki Wall – Women’s Clothing
L & R Comm. and Construction Inc. – Out of Town – Los Lunas, NM – Corporation – Communications
Diebold Inc. – Out of Town – N. Canton, OH – Corporation – Sales & Service of Financial Equipment

Seconded by Councilor Chavez-Lopez, motion passed unanimously.

f. Voucher Run

Councilor Hicks made a motion to approve vouchers 128416 to 128714 in the amount of \$616,143.34, plus Payroll Transfers (\$295,558.66), for a total of \$911,702.00. Seconded by Councilor Romero, motion passed unanimously.

g. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, January 6, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 8:05 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Jaramillo, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

/s/ _____
Ravi Bhasker, Mayor

ATTEST:

/s/ _____
Pat Salome, City Clerk

City of Socorro
Regular City Council Meeting
February 3, 2014

Mayor Ravi Bhasker called the meeting to order. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Toby Jaramillo, Councilor Nick Fleming, Councilor Ernest Pargas, Councilor Michael Olguin, Councilor Donald Monette, Councilor Peter Romero and Councilor Mary Ann Chavez-Lopez. Councilor Gordy Hicks was absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF FEBRUARY 3, 2014 CITY COUNCIL MEETING AGENDA

Councilor Monette made a motion to approve the agenda as presented. Seconded by Councilor Romero, motion passed unanimously.

CONSIDERATION OF MINUTES

a. January 21, 2014

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

PUBLIC FORUM

Colette Foard stated that she had reviewed the Socorro Electric Cooperative's board meeting minutes to see if the return of her capital credits had been discussed at an open meeting and was unable to find mention of a discussion. Ms. Foard stated that the item may have been discussed in executive session but if so, wondered why it would have not been discussed in an open meeting. Ms. Foard stated that she attended the most recent SEC board meeting and again made a request for the return of her capital credits to which she received no response. Ms. Foard stated that the SEC board is not following proper procedure and is denying her due process and for those reasons, requested that the City consider these items in their negotiations with SEC for the franchise agreement. Ms. Foard provided a letter from her attorney which requests any assistance the City may be able to provide to Ms. Foard. Mr. Salome stated that at a previous City Council meeting, it was discussed that in a denial letter to Ms. Foard from the SEC attorney, it was stated that the SEC board denied her request for the return of capital credits. Mr. Salome stated that Charlie Wagner, an SEC board member, did not recall the matter of Ms. Foard's capital credits ever being discussed at a board meeting. Mr. Salome stated this is why Ms. Foard reviewed board meeting minutes to see if there was a public discussion and ultimate action by the Board and was unable to find any discussion regarding the topic. Mayor Bhasker thanked Ms. Foard for her update and stated that he feels the City may be culpable if the City, as the franchisor, allows them to continue operating the way they are.

Councilor Hicks arrived.

Terry Tadano introduced Deb Caldwell, who is replacing Mr. Tadano as Chamber of Commerce Director. Mr. Tadano thanked everyone at the City for the time he spent working with them. Mayor Bhasker commended Terry for a job well done and wished him well in the future. Mayor Bhasker welcomed Ms. Caldwell to the position. The City Council all thanked Terry for his work.

DISCUSSION AND DELIBERATION

a. Festival of the Cranes - Update

Michael Hanauer, Festival of the Cranes Coordinator, gave a brief update of the 2013 Festival of the Cranes event. Mr. Hanauer thanked the City for supporting the event annually with Lodger's Tax funds. Mr. Hanauer stated that weather was a challenge this year and did affect the attendance at the event. Mr. Hanauer stated that there were 60 new events this year bringing the amount of events to 139. Mr. Hanauer thanked the City's Police Department, Transportation Department, Tourism Department and all of the other City staff that assisted in the event. Mr. Hanauer stated that he is still working on a video featuring the Bosque del Apache that will appear on YouTube. Mayor Bhasker thanked Mr. Hanauer for reporting on the event.

City of Socorro
Regular City Council Meeting
February 3, 2014

b. Substance Abuse Prevention Grant Agreement

Councilor Pargas stated that on November 20, 2013, the Socorro County Juvenile Justice Board applied for substance abuse prevention funding and was awarded \$50,000 for January through June 2014 and \$100,000 for the next three fiscal years. Councilor Pargas stated that issues such as underage drinking, DWI, binge drinking and prescription drug misuse will be addressed. Councilor Pargas stated that the first phase will mainly consist of assessments. Councilor Pargas stated that the City will be the fiscal agent for the funds. Councilor Pargas stated that there will be two positions and that they will not be employees but rather contracted positions. Councilor Pargas stated that only 4 counties in the state received similar grants.

Councilor Chavez-Lopez made a motion to approve the Substance Abuse Prevention Grant Agreement. Seconded by Councilor Romero, motion passed unanimously.

c. Budget Resolutions

1. No. 10 – General Fund – Library Department

Resources are State Grant in Aid, McCune Grant, Miscellaneous Library and Library Bond – Requirements are State Grant in Aid Expense, McCune Grant Expense, Subscriptions & Books and Library Bond Expense – Amount is \$12,524.00 – The increase is needed to allow for grant awards, grant carry over balance and donations.

Councilor Hicks made a motion to approve Budget Resolution No. 10. Seconded by Councilor Jaramillo, motion passed unanimously.

2. No. 11 – Rodeo Arena/Convention Center Fund

Resources are State Appropriation – Requirements are Engineering and Construction – Amount is \$400,000.00 – The increase is needed to allow for the state appropriation.

Councilor Hicks made a motion to approve Budget Resolution No. 11. Seconded by Councilor Jaramillo, motion passed unanimously.

Mayor Bhasker stated that in regards to the rodeo arena and soccer fields, he heard some talk in the community that the facility would use too much water and compromise the City's future. Mayor Bhasker stated that the facility is intended to benefit the youth in the Socorro community for many years to come. Mayor Bhasker stated that the City's water comes from wells and that the City has an excess of water rights. Mayor Bhasker stated that the City has 2,053 acre feet of water and while the City uses 1,900 acre feet, the City gets a 50% return flow credit for the Wastewater Treatment Plant. Mayor Bhasker stated that the City gets a credit because we take the water, clean it and put it back into the river (via the ditch system). Mayor Bhasker stated that the City also has Socorro Springs (which pumps approximately 600 gallons a minute) which, if not used, would flow down the arroyo. Mayor Bhasker pointed out that both Senator Morales and Representative Tripp are supporting the facility which is evidenced by the State appropriation recently received by the City. Mayor Bhasker stated that the City is considering an alternate "safe" route to the facility which would go from Raychester Road to the new facility.

COMMITTEE REPORTS

Mr. Salome stated that there would be a Police Oversight Commission meeting on February 4th. Mayor Bhasker stated that with the resignation of POC member Santiago Naranjo, he would like to appoint Max Torres as the new member.

Councilor Chavez-Lopez made a motion to approve the Mayor's appointment of Max Torres (from Smith's) to the Police Oversight Commission. Seconded by Councilor Hicks, motion passed unanimously.

Councilor Hicks stated that in April, it would be the 50th anniversary of Lonnie Zamora's UFO sighting. Councilor Hicks asked if the City could do something for the event. Mayor Bhasker stated that it is something the Tourism Department could look into.

**City of Socorro
Regular City Council Meeting
February 3, 2014**

NEW BUSINESS

None.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. Appointment to Police Oversight Commission

See Committee Reports above.

b. Webcasting City Council Meetings

Mayor Bhasker stated that the "State of the City-Mayor and Council" was recently sent with the City utility bills as a way of sharing with the community current and ongoing projects in the City. Mayor Bhasker stated that he feels this is a good way to stay transparent about what is going on at the City. Mayor Bhasker stated that he would like to expand communication services to the public which allows them to see things such as Council meetings in a timely manner. Polo Pineda, the City's IT Director, stated that the City's webpage was recently updated and has had over 4,000 hits since updated. Mr. Pineda stated that City Council agendas and approved minutes are now available on the website. Mr. Pineda stated that he is looking into webcasting the City Council meetings using some of the current infrastructure in the Council Chambers. Mr. Pineda stated that as part of the interface, the person taking the minutes will be able to bookmark topics, use a drop down box to show motions, seconds and votes and have the minutes digitized, all during the meeting. Mr. Pineda stated that the public can watch the meetings live or watch them later as they will be archived on the website. Mr. Pineda stated the initial set up will cost approximately \$8,000 (equipment and training) and \$300 per month thereafter with an annual maintenance fee of \$400.

c. Update on the Soccer Fields/Rodeo Facility

Mayor Bhasker stated that he provided most of the update during 6c above. Mayor Bhasker stated that he also wanted to mention that the City worked with Socorro Schools to install the lights at the facility to be used for high school soccer.

Mayor Bhasker stated that the City also worked with Socorro Schools in 1998 to install an Auto Tech building. Mayor Bhasker stated that the City provided \$100,000 to build the building and Eastern New Mexico College paid the City to rent the building. Mayor Bhasker stated the building eventually reverted back to Socorro Schools.

d. Final Audit Approval – FY 12-13

Ms. Gonzales stated that the City has received final audit approval for FY 2012-2013 from the State of New Mexico. Ms. Gonzales stated that the report can now be released.

Councilor Jaramillo made a motion to approve the final audit report for FY 2012-2013. Seconded by Councilor Romero, motion passed unanimously.

e. Reporting on Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Peter Gonzales – 2-4-14 – Police – New Hire (Police Officer) – A-35

Fernando Torres – 2-3-14 – Landfill – Transfer from Operator II to Operator I – B-36 to B-32

Damian Castillo – 1-31-14 – Fire – Resignation

Seconded by Councilor Jaramillo, motion passed unanimously.

City of Socorro
Regular City Council Meeting
February 3, 2014

f. Business Registrations

Councilor Hicks motioned to approve the business registrations as read by Mayor Bhasker:

Apo Express – R-4 (Approved by P&Z) – 707 Bagley #4 – Monika Apodaca – Graphic Designs
Tillery Chevrolet GMC Inc. – Out of Town – Moriarty, NM (701 Hwy 85) – Corporation – Auto Sales
Josephine Comm – Out of Town – Albuquerque, NM – Oscar Somellera – Phone Cable

Seconded by Councilor Monette, motion passed unanimously.

g. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Tuesday, February 18, 2014 at 6:00 p.m. in the City Hall Council Chambers (due to the President's Day Holiday).

ADJOURNMENT

At 6:57 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Fleming, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

/s/

Ravi Bhasker, Mayor

ATTEST:

/S/

Pat Salome, City Clerk



KOB.com

40YS: Woman's electric co-op delivers one-two punch

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By: Ryan Luby, KOB Eyewitness News 4

A longtime grocery store owner lost her business to big retail stores. Now, even with support from the Attorney General's Office, she's fighting a losing battle with her electric cooperative to recoup thousands of dollars she says her business is owed.

Collette Foard owned the Trails End Market in Magdalena, N.M. for 18 years.

"I mean I ate, breathed, and lived the store. Anybody that knew me-- I don't have kids. The store was my baby," she said.

For the last two years, ever since the business shuttered, Foard's been asking the Socorro Electric Cooperative, or SEC, to return the store's capital credits in full -- more than \$26,000. She said she needs the money to help pay off roughly \$80,000 of debt.

Foard's grocery store was one of the larger customers due to the amount of electricity it used.

"Our average electric bill would be between \$4,000 and \$5,000 per month," she said.

Electric cooperatives could not exist without capital investment from each and every member, or customer. Typically, a co-op returns capital credits to customers in small increments over 20 to 30 years. But, in some instances, they "retire" capital credits early, in full, to the families of deceased people.

Foard said her dead grocery, a dead corporation, is the equivalent of a dead person. An assistant attorney general in New Mexico's Attorney General's Office concurred and mailed a letter to the SEC. The SEC, in turn, disagreed.

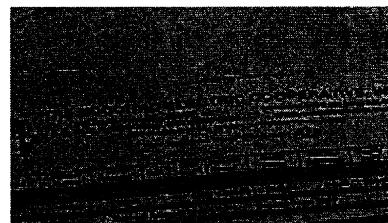
Although the SEC's bylaws allow for early capital credit retirements to dead people, it's at the discretion of the SEC's board. To date, the board has declined Foard's request every time.

"I was in awe," she said.

Foard believes she's being treated unfairly. But the chairman of the SEC board argued that the early retirement of capital credits, in the amount of \$26,000, would violate the SEC's bylaws, set bad precedent, and could ultimately kill the co-op in the long-term.

"The co-op has to have policies and procedures, and they have to deal with all the members -- all 10,000 members -- fairly," Anne Dorough, the chairman of the board said.

Still, KOB questioned if the co-op is serious about returning capital credits. For instance, the SEC periodically publishes a list of thousands of people and agencies that are owed capital credits yet have not provided current addresses. If they don't provide a current address, they don't get a check. Outside of the list, the SEC does little to actually find those people.



Among the agencies listed are New Mexico state agencies -- including the State Forestry -- with addresses readily available online.

"If they closed a forestry office in a remote area, and they didn't give a change of address to the co-op, the co-op advertises for a current address -- the forestry can read the paper too," Dorrough said.

Ben Hall, a PRC commissioner who represents Foard, said he questions the SEC's business practices. He said the SEC is the only electric cooperative in his district that's generated consumer complaints. Sometimes, he said he receives one complaint every week.

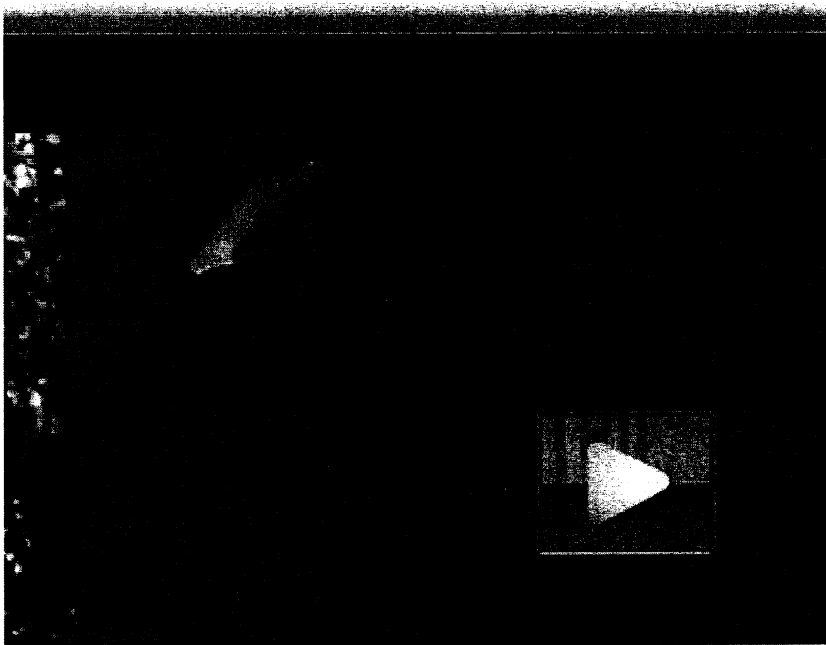
Despite his concern, he said the PRC can only regulate an electric cooperative's rates, not its politics.

"The PRC's hands are kind of tied when it comes to co-ops," Hall said.

As for Foard, he said the SEC does not appear to be listening to its membership on the whole.

Despite the support Foard has, she fears she may have to file a lawsuit against the SEC. She wants her neighbors to understand she's not fighting this battle for herself.

"Because ultimately, the money is not mine. It is not mine today, and it is not mine when I am dead. It is the corporation's money and all I want do is try to get it collected -- to the corporation, so the corporation can go through the proper process that the state mandates for a New Mexico corporation to do -- to dissolve and be done," Foard said.



Link for Video 4OYS: Woman's electric co-op delivers one-two punch.

http://www.kob.com/article/stories/s3445858.shtml#.U_zqb8JOWUI

MINUTES
REGULAR MEETING
BOARD OF TRUSTEES
THE SOCORRO ELECTRIC COOPERATIVE, INC.

FEBRUARY 26, 2014

A Regular Meeting of the Board of Trustees of The Socorro Electric Cooperative, Inc. was held on Wednesday, February 26, 2014 in Socorro, New Mexico.

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The Meeting was called to order at 1:06 p.m. by Anne L. Dorough, President.

CALL TO ORDER

Secretary Cordova called roll and reported those Trustees present and attending the meeting as follows:

ROLL CALL

TRUSTEES PRESENT: Anne L. Dorough, President
 Representative, District V

 Dave Wade, Vice-President
 Representative, District IV

 Leo C. Cordova, Secretary/Treasurer
 Representative, District I

 Charles Wagner, Trustee
 Representative, District II

 Melissa Amaro, Trustee
 Representative, District III

TRUSTEES ABSENT: None

ALSO PRESENT: Joseph Herrera, CEO/General Manager
 Eileen Latasa, HR Manager/Executive Asst.
 Lorna Wiggins, Attorney
 Larry McGraw, RUS Field Representative

SEC MEMBERS PRESENT: Debbie Leschner, Carol Jean Auffrey, Margaret
 Marshall, Mike Czosnek, Collette & Barbara Foard
 Monette Hardern-Lopez, Gerrie Hardern, Hubert R.
 Hardern, Michelle R. Jojola, Christie Chavez, Paul
 Stoehr, Bob Hayes, Barbara Romero, Polo Pineda, Jr.
 Pat Salome, Mable Gonzales, Nann Winter, Ravi
 Bhasker, Cyndi Mae Wade, Marie Watkins
 Charlene West, James Cherry, Charlene F. Wagner
 Don Tripp

Secretary Cordova declared a Quorum of Trustees present.

QUORUM

President Dorough led everyone in the Pledge of Allegiance.

PLEDGE OF
ALLEGIANCE

There being no additions or changes to the agenda, a motion was made by Trustee Amaro to approve the agenda as presented. Motion seconded by Trustee Cordova. Motion carried unanimously.

APPROVAL OF
AGENDA

After review of the Draft of the Minutes of the Regular Meeting of January 29, 2014, a motion was made by Trustee Cordova and seconded by Trustee Amaro to approve the Draft of the Minutes as written. Motion carried unanimously.

REVIEW OF
PREVIOUS
MINUTES

Mr. Paul Stoehr expressed his dissatisfaction with the difficulty in getting issues resolved with the coop and that the board should consider hiring a new manager and law firm.

PUBLIC
INPUT

Ms. Marie Watkins stated that she introduced motions at the 2013 Annual Meeting Continuation and that District V resolutions should be placed on the agenda for the 2014 Annual Meeting.

Ms. Collette Foard presented an update of the capital credits for Trails End Market, Inc.

Mr. Larry McGraw, RUS Field Representative, introduced himself to the members in Attendance and opened the floor to member comments.

RUS-
LARRY MCGRAW

A lengthy and considerate discussion ensued among the board, SEC members and Mr. McGraw. Mr. McGraw responded to all questions and concerns posed to him.

Manager Herrera informed the Board that total expenditures for the month of January, 2014 totaled \$779,726.00.

EXPENDITURE
REPORT

Manager Herrera responded to questions from the Board on the Expenditure Report.

President Dorough accepted the Expenditure Report for January, 2014 as information.

There were no questions from the Board on the Credit Card Expenditures for January, 2014.

CREDIT CARD
EXPENDITURES

Manager Herrera gave a lengthy and detailed explanation of the RUS Form 7 for January, 2014.

RUS FORM 7

There being no questions from the Board on the RUS Form 7 Report, a motion was made by Trustee Wagner and seconded by Trustee Amaro to approve the RUS Form 7 for January, 2014 as information. Motion carried unanimously.

Manager Herrera reviewed the Delinquent Report for January, 2014 with the Board.

DELINQUENT
REPORT

President Dorough accepted the Delinquent Report for January, 2014 as information.

Manager Herrera also reviewed the Outage Report for January and February, 2014.

OUTAGE
REPORT

President Dorough accepted the Outage Report for January and February, 2014 as information.

Manager Herrera informed the Board that the SEC that a new trainer would be conducting the Employee Safety Meetings and there were no loss time accidents during the month of January, 2014.

SAFETY
REPORT

President Dorough accepted the Safety Report for January, 2014.

Manager Herrera gave a detailed and informative account of the NMRECA Report for January, 2014.

NMRECA
REPORT

Manager Herrera informed the Board of the 2014 NRECA Legislative Conference and the 2014 NMRECA Annual Meeting.

Manager Herrera also gave a detailed and informative account of the Tri-State Report.

TRI-STATE
REPORT

Manager Herrera informed the Board that Chapel Mapping completed the GIS Project and that the next phase would be utilizing computers in the trucks for quick accessibility to data when out in the field.

Manager Herrera announced that the SEC had been awarded a \$40,000 Grant for a backup generator for SEC's main building. Application for the grant was made through Socorro County from the New Mexico Homeland Security.

Manager Herrera reported on the four year filing process with the N.M.P.R.C. of the Fuel Purchase Power Cost Adjustment and Variance. Manager Herrera reported that the Annual report was being filed but both he and the former general manager were unaware of the four year filing requirement because the report was filed late but the \$5,000 fee was waived contingent upon the next four year report being filed by the due date.

Manager Herrera also reported that the BP109 Burris Substation distribution line engineered by SGS Engineering and built by CB Ray, Inc., was actually built in the wrong location and was looking at taking possible action on the matter.

In other matters, Manager Herrera reported on the following:

- Questions on the System Charge for members who have meters for their home and shop
- Late payment of the franchise tax to the City of Socorro due to a new accounts payable clerk, in addition to refunds to the City for accounts set up as taxable accounts.
- 2014 NRECA Directors Conference in March in St. Louis, Missouri.
- Meeting with Tri-State New Mexico member coops in Moriarty, New Mexico.

Secretary Cordova reported on the Member Application/Cancellation Report as follows:

- New Connects 0
- Reconnects 110

MEMBER
APPLICATION/
CANCELLATION
REPORT

- Disconnects 136

President Dorough accepted the Member Application/Cancellation Report for January, 2014 as information.

President Dorough informed the Board that the Special By-Law Committee had one Meeting and planned to have another meeting before the next board meeting.

SPECIAL
BY LAW
COMMITTEE
REPORT

President Dorough accepted the Report of the Special By-Law Committee as information.

Attorney Wiggins recommended the Retirement of Patronage Capital to the Estate of Roger Williams in the amount of \$1,117.13. A motion was made by Trustee Cordova and seconded by Trustee Wade to approve the Retirement of Patronage Capital to the Estate of Roger Williams. Motion carried unanimously.

CAPITAL CREDIT
ESTATE
RETIREMENTS

Attorney Wiggins informed the Board that the request for the retirement of Trails End Market Inc.'s Capital Credit's was discussed during Executive Session, after SEC received a letter from counsel for Trails End Market. During its Executive Session, the Board considered all the arguments and authorized Attorney Wiggins to explain the Board's decision on the matter. Attorney Wiggins also stated that she sent a letter to Jeff Taylor, Assistant Attorney General, explaining the position of the Board and to date has not received a response from Mr. Taylor.

TRAILS END
MARKET, INC.
CAPITAL CREDITS

After discussion, a motion was made by Trustee Wagner and seconded by Trustee Amaro to consider making the \$26,000 payment of capital credits to Trails End Market, Inc., in total or in installments based on an accounting analysis that's required by policy.

President Dorough asked for Attorney Wiggins response.

Attorney Wiggins stated that Board can exercise discretion in approving an early retirement of capital credits but typically retirements are made to estates of deceased patrons as opposed to a corporation that is winding down.

Trustee Wade asked for further clarification on whether the SEC had ever made an early retirement of capital credits to an entity. Attorney Wiggins responded that after talking to staff that an early retirement of capital credits had not been approved in the past.

President Dorough then called for the vote on Trustee Wagner's motion. Trustee Amaro and Wagner voted in favor of the motion. Trustees Wade and Cordova were opposed. President Dorough broke the tie and voted against the motion. Motion failed.

A motion was made by Trustee Wagner and seconded by Trustee Amaro to approve the Resolution for RUS Form 675. Motion carried unanimously.

APPROVAL OF
FORM 675
RESOLUTION

A motion was made by Trustee Wagner and seconded by Trustee Cordova to approve the First State Bank Safety Deposit Access Resolution. Motion carried unanimously.

APPROVAL OF
FIRST STATE
BANK
RESOLUTION

President Dorough appointed Manager Herrera as the Voting Delegate to the Tri-State Annual Meeting by acclamation after no trustee indicated that they were planning on attending.

APPROVAL OF
VOTING
DELEGATE TO
TRI-STATE
ANNUAL MEETING

A motion was made by Trustee Wagner and seconded by Trustee Amaro to approve \$141,344.31 in write-offs for consumer electric accounts for 2012. Motion carried unanimously.

CONSIDERATION
OF ENERGY
UNCOLLECTIBLE
WRITE-OFFS

After discussing possible dates for the 2014 Annual Meeting, a motion was made by Trustee Wagner and seconded by Trustee Amaro to set the date and location of April 26, 2014 at the Finley Gymnasium.

SET DATE,
TIME &
LOCATION FOR
2014 ANNUAL
MEETING

Further discussion ensued on the 2012 District V Resolutions and setting member registration for 1:00 p.m. with the Business Session commencing at 3:00 p.m.

Regular Meeting
Page 4
February 26, 2014

Trustee Wagner made an amendment to his motion to set member registration for 11:00 a.m. and the Business Session to begin at 1:00 p.m. The amendment failed due to lack of a second.

President Dorough then called for the vote to set the date of April 26, 2014 at the Finley Gymnasium with member registration from 1:00 p.m. to 3:00 p.m. and the Business Meeting to start at 3:00 p.m. Motion carried with Trustee Wagner opposed.

After discussion on setting the date and time for the next regular meeting, a motion was Made by Trustee Amaro and seconded by Trustee Wade to set the date of Monday, March 24, 2014 at 2:00 p.m. for the next regular meeting. Motion carried with Trustee Wagner opposed.

There being no further items open for discussion, President Dorough adjourned the Meeting at 3:37 p.m.

SET DATE &
TIME FOR
NEXT REGULAR
MEETING

ADJOURNMENT

Leo Cordova, Secretary/Treasurer

APPROVED:

Anne Dorough, President

I, Leo Cordova,, do hereby certify that I am the Secretary of the Board of Trustees of The Socorro Electric Cooperative, Inc., hereinafter called the "Cooperative" and the above is a true and exact copy of the Minutes of the Regular Meeting held on February 26, 2014.. A Quorum of Trustees was present and acted upon throughout the meeting and none of the Minutes of the above have been rescinded or modified.

Leo Cordova, Secretary/Treasurer

MINUTES
REGULAR MEETING
BOARD OF TRUSTEES
THE SOCORRO ELECTRIC COOPERATIVE, INC.

JANUARY 29, 2014

A Regular Meeting of the Board of Trustees of The Socorro Electric Cooperative, Inc. was held on Wednesday, January 29, 2014 in Socorro, New Mexico.

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The Meeting was called to order at 1:00 p.m. by Anne L. Dorough, President.

CALL TO ORDER

Secretary Cordova called roll and reported those Trustees present and attending the meeting as follows:

ROLL CALL

TRUSTEES PRESENT: Anne L. Dorough, President
 Representative, District V

 Dave Wade, Vice-President
 Representative, District IV

 Leo C. Cordova, Secretary/Treasurer
 Representative, District I

 Charles Wagner, Trustee
 Representative, District II

 Melissa Amaro, Trustee
 Representative, District III

TRUSTEES ABSENT: None

ALSO PRESENT: Joseph Herrera, CEO/General Manager
 Eileen Latasa, HR Manager/Executive Asst.
 Bruce Wiggins, Attorney

SEC MEMBERS PRESENT: Jimmy Dorough, James Cherry, John Larson,
 Charlene Wagner, Audrie Clifford, Marie Watkins,
 Christie Chavez, Michelle R. Jojola, Cyndi Mae Wade
 David L. Wade, Christine Stoyer, Ted Sleema

Secretary Cordova declared a Quorum of Trustees present.

QUORUM

President Dorough led everyone in the Pledge of Allegiance.

PLEDGE OF
ALLEGIANCE

There being no additions or changes to the agenda, a motion was made by Trustee Cordova to approve the agenda as presented. Motion seconded by Trustee Amaro. Motion carried unanimously.

APPROVAL OF
AGENDA

After review of the Draft of the Minutes of the Reorganization Meeting on January 17, 2014, a motion was made by Trustee Amaro and seconded by Trustee Cordova to approve the Draft of the Minutes as presented. Motion carried unanimously.

REVIEW OF
PREVIOUS
MINUTES

Collette Foard addressed the Board concerning the Patronage Capital for Trails End Market, Inc.

PUBLIC INPUT

Marie Watkins completed Ms. Foard's statement to the Board.

Manager Herrera reported that total expenditures for the month of December, 2013 totaled \$731,792.19.

EXPENDITURE
REPORT

Manager Herrera answered all questions concerning the Expenditure Report.

Utilization of points earned on the American Express Credit Card was discussed.

CREDIT CARD
REPORT

Manager Herrera reviewed the RUS Form 7 for December, 2013 with the Board.

RUS FORM 7

A motion was made by Trustee Cordova and seconded by Trustee Amaro to approve the RUS Form 7 for December, 2013 as information. Motion carried unanimously.

Manager Herrera also reviewed the Delinquent Report for December, 2013.

DELINQUENT
REPORT

Manager Herrera reported that a major outage occurred in District V according to the Outage Report

OUTAGE REPORT

Manager Herrera described the SEC vehicle accident that occurred during the snow storm in December, 2013.

SAFETY REPORT

Manager Herrera reported that there were no loss time accidents during 2013.

Manager Herrera explained, at length, the ramifications of the Tri-State rate protest filed with the N.M.P.R.C. by four (4) New Mexico cooperatives.

NMRECA REPORT

Manager Herrera also noted that the Renewable Energy Credits and a Copper Theft bill would be introduced during the 2014 Legislative Session. Also up for discussion is the DOT bill for the Tres Amigos Project in eastern New Mexico.

TRI-STATE REPORT

Manager Herrera informed the Board of a Tri-State Meeting scheduled for February 17, 2014 in Moriarty; the retirement of Patronage Capital for 32 of the 40 cooperatives serviced by Tri-State, and the SEC approved Poudre Valley Resolution.

Manager Herrera informed the Board of the upgrade of the Bernardo Transformer Replacement that will commence in February, 2014.

OTHER

Trustee Amaro requested to revert to the Safety Report and questioned Manager Herrera on an accident that occurred involving two (2) apprentice linemen in 2013.

Manager Herrera responded that neither employee was injured as a result of the accident and all required procedures were followed by management after notification.

Secretary Cordova reported on the Member Application/Cancellation Report for December, 2013 as follows:

SECRETARY'S
REPORT

- New Connects 9
- Reconnects 76
- Disconnects 57

President Dorough accepted the report as information.

Attorney Wiggins recommended the Retirement of Patronage Capital to the following Estates:

NEW BUSINESS -
PATRONAGE CAPITAL
RETIREMENT

- Nate Heath \$ 176.79
- Helen Waggoner \$1,256.18
- Jesus Padilla \$ 675.56
- Josie Santillanes \$1,051.39

A motion was made by Trustee Wade and seconded by Trustee Amaro to approve Attorney Wiggins' recommendation to Retire Patronage Capital to the above-mentioned estates. Motion carried unanimously.

Manager Herrera explained member dissatisfaction with the current after hours dispatch service and continued to describe the service provided the Cooperative Response Center, Inc. (CRC). Manager Herrera recommended that the Board utilize CRC and enter into a contract for after hours dispatch services.

OUTAGE CONTROL
CONTRACT

After discussion by the Board, a motion was made by Trustee Wagner and seconded By Trustee Cordova to accept Manager Herrera's recommendation to utilize CRC for after hours dispatch services. Motion carried unanimously.

Manager Herrera also explained the Loomis SafePoint Agreement for utilizing the Cash Management and Deposit Services of currency received for consumer electric bill payments. Manager Herrera noted that the Agreement had been reviewed by Attorney Wiggins.

LOOMIS SAFETPOINT
SERVICE
AGREEMENT

After discussion, a motion was made by Trustee Wagner and seconded by Trustee Cordova to approve the agreement with Loomis Safepoint. Motion Carried unanimously

President Dorough explained that the Board approved Manager Herrera as the Tri-State Representative during the December, 2013 Meeting in order to cover the January meeting of the Tri-State Board of Directors.

President Dorough opened the floor for nominations of the SEC Representative to the Tri-State Board of Directors.

CONSIDERATION/
APPROVAL OF
TRI-STATE
REPRESENTATIVE

Trustee Cordova nominated Manager Herrera.

Trustee Amaro nominated Trustee Wagner.

President Dorough called for the vote on the SEC Representative to the Tri-State Board.

Trustees Wade and Cordova voted in favor of Manager Herrera.

Trustees Wagner and Amaro voted in favor of Trustee Wagner.

President Dorough cast her vote in favor of Manager Herrera and announced that Manager Herrera was elected as SEC's representative to the Tri-State Board of Directors.

Due to Manager Herrera being the only SEC representative attending the 2014 NRECA Annual Meeting in March, 2014, President Dorough appointed Manager Herrera as SEC's Voting Delegate to the 2014 NRECA, CFC, Federated and NRTC Annual Meetings.

ELECTION OF
VOTING DELEGATES

President Dorough opened discussion for consideration of the 2014 Open Meetings Resolution.

CONSIDERATION/
APPROVAL OF
2014 OMA
RESOLUTION

Trustee Wagner suggested the Board Meetings be held on the third Saturday of the month at 10:00 a.m.

Trustee Cordova recommended the fourth Wednesday of the month at 1:00 p.m.

After a thoughtful discussion, President Dorough called for the vote for the third Saturday of the month at 10:00 a.m.

Trustees Wagner and Amaro voted for the third Saturday at 10:00 a.m.

President Dorough called for the vote on the fourth Wednesday at 1:00 p.m.

Trustee Wade and Cordova voted in favor of the fourth Wednesday at 1:00 p.m.

President Dorough broke the tie and voted in favor of the fourth Wednesday at 1:00 p.m.

President Dorough proposed appointing a Special Bylaw Committee to address two elements in the Bylaws to be offered to the membership during the 2014 Annual Meeting regarding when a quorum is established and when an election is validated; and clarification of consideration of bylaw amendments passed at district meetings.

SET DATE/TIME
FOR BYLAW
COMMITTEE
MEETING

President Dorough stated that it was her intent for the Special Bylaw Committee to come up with amendments to be placed on the agenda under 'New Business' for consideration by the membership during the 2014 Annual Meeting.

President Dorough added that she would chair the committee and asked for a five Member committee made up of either a trustee or his/her designee.

After discussion, President Dorough set the date of February 5, 2014 at 1:00 p.m. for the first meeting of the Special Bylaw Committee.

Further discussion ensued regarding the possibility of a quorum of trustees at the Special Bylaw Committee Meeting and per diem for the member representative to the committee.

A thoughtful discussion ensued regarding setting a date for the 2014 Annual Meeting and a possible date of Saturday, April 26, 2014.

SET DATE/TIME
2014 ANNUAL
MEETING

President Dorough stated that the resolutions approved during the District V Meeting in October, 2012 would not be considered at the 2014 Annual Meeting. District V resolutions were on the agenda under New Business for the 2013 Annual Meeting But were not considered due loss of a quorum. District V resolutions were also to be considered at the Annual Meeting Continuation held on June 8, 2013, where a quorum was not registered.

Marie Watkins, a member of the audience, disrupted the board meeting and after repeated attempts by President Dorough to maintain order, President Dorough adjourned the meeting at 2:30 p.m.

Leo Cordova, Secretary/Treasurer

APPROVED:

Anne Dorough, President

I, Leo Cordova,, do hereby certify that I am the Secretary of the Board of Trustees of The Socorro Electric Cooperative, Inc., hereinafter called the "Cooperative" and the above is a true and exact copy of the Minutes of the Regular Meeting held on January 29, 2014.. A Quorum of Trustees was present and acted upon throughout the meeting and none of the Minutes of the above have been rescinded or modified.

Leo Cordova, Secretary/Treasurer