

043010 – Mountain Mail

Co-op Trustees Not Leaving Anytime Soon

By John Severance

SOCORRO -- Although it didn't have to, the Socorro Electric Cooperative board acknowledged the bylaw changes made by its members during a special meeting Friday night.

Through the objections of trustee Charlie Wagner, who said it was not necessary because the propositions went into effect immediately, Donald Wolberg insisted the board acknowledge the changes.

After the board passed the changes, Wolberg asked attorney Dennis Francish about legal ramifications of the bylaw changes.

"Sure, we have problems," Francish said.

Most of the resolutions went into effect right away, but others were going to take time to implement.

Francish said that since the annual meeting was conducted under Robert's Rules of Order, there was a question about how to reduce the number of trustees in a timely fashion. Citing New Mexico Statute 53-8-18, Francish said that state law says incumbent trustees can serve out their terms.

"You can not trump state law," said Francish, who added that state law takes precedent over Robert's Rules of Order.

Wolberg, though, asked for an establishment of a redistricting committee, but Trustee president Paul Bustamante said that would be addressed at Wednesday's meeting, which occurred after the Mountain Mail went to press.

Francish said there was no need to rush about redistricting because "we have 11 trustees that were elected in the districts that presently exist today."

The main discussion, though, centered around the number of trustees with the new bylaw changes.

Francish has said in the past he has been worried about lawsuits if the members had decided to reduce the number of trustees.

But Wolberg had a novel idea.

He suggested that the entire board do the noble thing and resign and that way it removes the potential of legal action. When the redistricting is done, new elections can be held.

Francish responded by saying, "We have time to think about that."

After the board acknowledged the resolutions passed by the members, Wolberg made a number of other proposals.

Wolberg proposed that all travel be approved by the board.

Wagner said, "I oppose that because we already have limitations of \$10,000 and it's up to us how we spend the money."

Wolberg and Wagner continued to argue over the "complexity" of the resolution.

Wagner said, "Complexity is the eye of the beholder."

The two continued to bicker and one of the audience members called Wolberg an expletive.

Trustees Milton Ulibarri and Dave Wade stared down and scolded the audience member, who was not asked to leave.

The motion passed 8-1 with Wagner objecting.

Wolberg also proposed that trustees get paid in 12 equal installments but after further discussion, he withdrew the motion.

Francish then took over and gave his opinion on the various propositions, including giving support to one of the propositions on the ballot that was soundly defeated at the annual meeting. The proposition was about how members and media are welcome in the first part of the meeting but must leave when the board starts the business portion of the meeting.

"This is a private company and the board has to conduct its business without interruption from the members," he said.

Wagner voiced his objection, but it didn't really matter because the resolution did not pass.

Eventually, Bustamante asked for a motion to adjourn and there were two motions, much to the dismay of Wagner, who said he had a list of concerns that had not been addressed yet.

Bustamante told him his concerns would be addressed at the next meeting.

Here are the propositions passed by the members and acknowledged by the board Friday night.

- * Five trustees.

- * Five representative voting districts of equal population

- Trustees can only serve two straight terms

- Expenses by trustees are limited to \$10,000 per year and \$15,000 to the president.

- One meeting per month.

- The board shall guarantee transparency of action with open access to SEC books, records and audits.

- Will be notified of their Patronage Capital annually.

- The members can vote at annual meetings by mail and election administration will be run by a third party accounting firm.

- The Trustees are restricted from making contributions to adult or civic organizations and contributions can only be made to student scholarships.

- Meetings shall be open and all members must be permitted to attend and time shall be made available for them to address the board.

- The Trustees shall voluntarily agree to abide by the New Mexico Open Meetings Act and Inspection of Public Records Act.