

## July 29, 2010 Board Meeting Report

Last night's meeting was more civil than usual; not cordial, but civil. The fire marshall's occupancy limit is 42 for the boardroom and there were exactly 42 chairs including the 13 allotted to trustees, staff, and attorney. This presented a problem to Terry Last of the "Chieftain" who was the 43 person to arrive. Dorothy Brook kindly gave up her chair in the interest of press coverage. About a dozen or so people were allowed to observe from the anteroom to the boardroom.

Two members wished to speak. Marie Watkins who has been examining past year's audit reports questioned the high rate of loans (every three years) and the long pay-off terms (30 years). Her questions drew forth the information that the SEC just raised its debt limit with its latest loan of 24 million. Mr. Pineda was to check out the amount of the debt limit which could be 45 million or 65 million.

The second speaker was Juan Gonzales, former Socorro trustee, who wished to inform the members in attendance that the members who claim to own the cooperative are wrong. "The members don't own the co-op; the trustees own the co-op" was his opinion repeated several times. See and hear Mr. Gonzales at [www.informedcynic.com](http://www.informedcynic.com)

The minutes for the May and June 2010 meetings were approved with Charlie reminding the Board that both meetings were invalid as they were not carried out under the rules of NMOMA. The Open Meetings' Act went into effect as of April 17th.

Several reports were discussed: Expenditures, Delinquent, Satellite, Outage, NMRECA, Tri-State, etc. The question of the 2010 budget and the audit report was raised. It was decided that the budget would be presented at the August meeting on Wednesday, the 25th and that a special meeting for the audit report would be held the following day, Thursday, the 26th. Charlie requests that an accounting of each trustee's expenditures be provided so that trustees could schedule their training sessions and no one would overrun their \$10,000 limit.

Luis Aguilar presented the report of the Safety Committee. The Board voted to purchase 16 defibrillators for \$1,345 including training of all SEC personnel. One will be located at SEC Hdqs. on Manzanares, one in the Engineering Building. The remainder will be placed in various vehicles throughout the service area.

Charlie raised the question of outages in the Red Hill area. Mr. Pineda cited "end of line" problems and problems with the long wait for outage report lines. This led to discussion of the Resolution for approval of bid for the construction of a double circuit in the area. WESODI, the low bidder, was awarded the bid upon the recommendation of the Engineers from SGS Engineering, LLC.

"WHEREAS, that WESODI be awarded the construction contract in the amount of Two Million, Eight Hundred Fifty Eight Thousand, Fifty One and 11/100 Dollars (\$2, 858,051.11) for construction of the Quemado Double Circuit Distribution Line Project."

Mr. Ulibarri stated that NMREC resolutions to be presented to the NM Legislature were prepared. Charlie asked for copies of the resolutions.

Mr. Francish presented the patronage credit awards.

### REDISTRICTING:

The subject of redistricting was raised with Mr. Wolberg stating that the redistricting plan drawn up by a committee of five trustees (Don Wolberg, Chairman, Leroy Anaya, Dave Wade, Leo Cordova, & Jack Bruton) was ready and had been printed in the June 30th issue of the "Chieftain", was posted (I assume at the co-op hdqs on Manzanares), and was open for comment. There is no breakdown of number of members noted on this proposed plan although Mr. Wolberg stated that each district had approximately 2000 members.

Charlie brought up the impropriety of trustees redrawing districts and that the District Survey Committee (Bylaws, Article 5, Section 8) was intended to be made up of members not trustees who may have a conflict of interest. Mr. Wolberg brought up the money savings which is not a completely lucid argument as the resurveying would have to be done on any redistricting plan and the resurveying represents the major cost of any redistricting whether the plan is drafted by a professional, independent firm or the trustees themselves.

All of sudden, Mr. Bustamante broke into the discussion to berate Charlie about his championing of the bylaws when he hadn't said anything about an election to fill the Socorro seat left vacant when Manny Marques resigned. At this point redistricting was dropped and arguments about this issue taken up. Some trustees claimed that there was a vote taken, some said that Mr. Francis said that with the reduction of the board, there was no need for an election to fill the remainder of Mr. Marques' term. The minutes are silent as they often are on the matter. Charlie had asked about this matter, the issue was referred to the attorney, and the attorney at that time said no need for an election. This is a prime example of the need for more complete minutes with roll call votes recorded.

#### ANOTHER SMEAR:

This entire episode is posted with audio and video on [www.informedcynic.com](http://www.informedcynic.com). Charlie is at the bottom right of the screen with his back to the camera. His voice is heard disputing Mr. Ulibarri's action.

Mr. Ulibarri, who specializes in smears, called for a restraining order against James Padilla for a statement allegedly made at a Sec Reform Group meeting called by his sister, Charlene West, whom the Board has pursued with three court actions. (Harassment is a tool that this board majority uses against Reformers. They also use the co-op lawyer in this persecution which costs them nothing. These are personal vendettas that they carry out and have nothing to do with co-op business. The members pay to harass the people who are trying to reform the board. Perjury is a discussion for another day.)

Charlie asked Mr. Ulibarri if the co-op wasn't spending enough money on lawyers and lawsuits without his adding his gripe to the mix?

The vote was 3 for getting a restraining order against Mr. Padilla - Mr. Ulibarri, Mr. Anaya, Mr. Cordova.  
2 against " " " " " " - Ms. Mauldin, Mr. Wagner

The rest of the board abstained! Mr. Bustamante declared victory but Mr. Francis ruled (after Charlie raised the question) that the vote did not constitute a board majority.

#### RESOLUTION BACKING THE OPEN MEETINGS ACT AND THE INSPECTION OF PUBLIC RECORDS ACT

Mr. Douglas May of Socorro presented a proposed Resolution calling for

"The Open Meetings Act has been adopted by the SEC at its annual meeting. The proposed resolution (attached) calls for this to be written into the body of the bylaws and it calls for the Trustees to commit themselves to following it."

Mr. May acknowledges that this Resolution is not necessary .... "but is an attempt to focus the trustee's attention on it and possibly to secure a greater degree of compliance with it."

The Board send the Resolution to the Bylaw Committee for study.

#### AUDITOR MEETING;

Charlie asked that the board adopt an Anti-Fraud Policy as auditor's have recommended in the past. This was held over until the Auditor's meeting on the 26th of August at 5:30 p.m.

#### EXECUTIVE SESSION;

The Board then went into Executive Session to discuss litigation and personnel matters. No results were announced at the end of this session as required by the Open Meetings Act.

The issue on everyone's mind, the lawsuit against the co-op members was not addressed except presumably in executive session.

Please go to [www.informedcynic.com](http://www.informedcynic.com) for information, links, and video of the meeting.

Charlene F. Wagner