

## 072910 – Mountain Mail

### Co-op To Proceed With Lawsuit

*By John Severance*

SOCORRO – There was talk that the Socorro Electric Cooperative board members were going to drop their lawsuit against the members.

It didn't happen Wednesday night.

After a lengthy executive session, the board adjourned the meeting after discussing personnel and legal matters. The co-op did not follow the Open Meetings Act when it adjourned as it did not say what was decided in executive session.

But it was clear after talking to Trustee president Paul Bustamante in the co-op parking lot, the lawsuit will proceed.

“Nothing was done,” Bustamante said. “The attorney (Dennis Francish) has to respond to the counter claims. There are one or two that want to change the venue from Valencia County.”

In the past week, three counter claims have been filed against the co-op, including lawyers for defendant Charlene West, Socorro attorneys Tom Fitch and Polly Ann Tausch and member-owner Alvin Hickox of San Antonio. See story on page 5.

When asked if the co-op would have withdrawn the lawsuit had there not been any counter claims, Bustamante did not answer the question. He said, “we want to go through the mediation process.”

After the meeting when asked if it was discussed dropping the lawsuit, trustee Charlie Wagner said, “you can't find out from me.”

Francish filed suit against unnamed members, the Mountain Mail, Charlene West et. al. a couple of weeks ago to test three bylaw amendments that were passed by members on April 17.

For the most part, Wednesday's meeting was civil for co-op standards.

Some of the highlights:

- Trustee Milton Ulibarri made a motion that the the board file a restraining order against member-owner James Padilla of San Antonio. He allegedly said at last month's abbreviated meeting that he allegedly said, “I'd like to take a 2x4 to all their heads.” The motion was seconded and the vote was 3-2 in favor of the motion. But Francish said a majority of the trustees did not vote so the motion failed.

- Former trustee Juan Gonzales stood up and spoke during the public input session. “They don't own this co-op,” Gonzales said referring to the members in attendance. “You (the board) own this co-op. You guys have the responsibility to run this co-op because they elected you.”

Gonzales went on to say, “No one should be here when you guys conduct your business. I can leave here so you can. This is your co-op.”

When Gonzales said he was going to leave, a woman in the audience said, “that's a good idea.” Gonzales stayed for the whole meeting.

- Bustamante, at least, still has his sense of humor, saying, “at least, we got through a whole meeting.”

- Member-owner James Cherry of Magdalena was undisturbed Wednesday night as he videotaped the entire meeting. Trustees took exception last month.