

(Letter to the Board of Trustees by Doug May, presented October 25, 2010)

I wish to point out that the Socorro Electric Cooperative is required to follow the Inspection of Public Records Act and the Open Meetings Act even prior to members' resolutions at the April (2010) general meeting.

It has been said that the Co-op is a private business, and not public entity. This is an over simplification that has led some to conclude that the Open Meetings Act and the Inspection of Public Records Act does not apply to the Co-op. This is not true.

Other businesses compete in the market place making it important for them to have closed board meetings so that the competition will not learn of their business plans and marketing techniques. The Co-op does not compete with other electric suppliers.

Other businesses can set the price of their products and services as they choose. The Co-op's rates must be approved by the Public Regulatory Commission.

The Co-op is able to borrow money at reduced rates from the Rural Utility Service. Such loans are not available to other private businesses.

The Co-op has the right to use public property and right-of-way on private property for utility easements. Such rights are not available to private businesses.

Since the Co-op receives governmental financing and privileges the Co-op falls under the Open Meetings Act. However, any organization can adopt these acts for themselves according to Mary Smith, an assistant to Gary King in the Office of the New Mexico Attorney General speaking in Socorro on May 27, 2010.

The Co-op members adopted the resolution to abide by the Open Meetings Act and the Inspection of Public Records Act. The Board of Trustees is to carry out the resolutions of the members. While some steps have been taken by the Trustees to partially comply with the Open Meetings Act, the by-laws committee should incorporate the appropriate wording in the by-laws. The Trustees, in a spirit of full compliance should study the Acts in order to abide by them in the normal process of conducting business.

I respectfully urge your consideration in this matter.

Doug May –
Socorro, NM