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January 18, 2011

Hand Delivered

Pat Salome
City of Socorro
111 School of Mines Road
P.O. Box K
Socorro, NM 87801

RE: Finley Gym Legal Opinion

Dear Pat:

You have asked for a legal opinion regarding the following set of circumstances. The City of Socorro, consistent with past practices will allow the Socorro Electric Cooperative (SEC) to hold an informational meeting for its members on January 21. Since no lease agreement is in effect, the law would consider the SEC to be a licensee, meaning that the City has granted the SEC a temporary occupancy of Finley Gym, revocable at will. It is also important to note that the law would treat the SEC as a non-exclusive occupant.

While the informational meeting of the SEC will occur within Finley Gym, members of the SEC have asked the City for permission to set up tables outside Finley Gym for the purpose of securing signatures to recall petitions for some of the SEC board members. In the event a complaint is made against these members, what is the City's obligations in terms of exercise of police powers?

As I understand the facts, the City does not have a written policy regarding use of the Finley Gym in circumstances such as this. I am also not aware of any City ordinances which would prohibit the SEC members from setting up tables outside of Finley Gym and collecting signatures. Even if there existed written policies or such an ordinance, constitutional safeguards and protections must be considered. Those constitutional protections include such rights as freedom of assembly and freedom of speech and those rights would apply to those attending the informational meeting inside the gym and also to those members who have set up tables outside the gym. Therefore, once the City has granted a license to the SEC board to conduct an information meeting inside the premises,

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equal protection principles would likewise necessarily require the City to grant a license to SEC members to gather outside the premises.

My opinion assumes there will be no fire code issues nor disturbance of peace issues for which the City Police and/or Fire Department could take appropriate action. Should you need anything further, please let me know.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jerry A. Armijo". The signature is written in a cursive style with a large initial "J" and "A".

Jerry A. Armijo

jg