

## Co-op board meeting canceled

by Staff | July 2, 2011 | Filed under: News

Tuesday's meeting of Socorro Electric Cooperative was abruptly canceled after trustee Charlie Wagner objected that proper notice of the meeting hadn't been given — something he's complained about many times before. This time, Wagner got support from co-op attorney Dennis Francish, who recommended to the other board members that the meeting be called off.

After some hesitation by the board, the meeting was canceled and trustees and audience members began to file out of the board room. A quorum of six trustees remained behind, however, and they drafted a letter on scratch paper calling for a special meeting to be held Tuesday, July 5, to catch up on business. The meeting, advertised in today's El Defensor Chieftain, is scheduled for 5:30 p.m. Tuesday in the co-op board room, 310 Abeyta St. in Socorro.

### Put on Notice

Just as he did at the outset of the board's meeting on May 24 — and numerous other times since members passed new bylaws in April 2010 — Wagner challenged the validity of any meeting the board held because the co-op had not given proper notice as prescribed by the Open Meetings Act and the co-op's own bylaws.

Before the board had a chance to approve the agenda, Wagner called for a point of order and asked if that night's meeting had been published in billing statements, as required in a new bylaw passed last year.

When told that it hadn't, Wagner, a leader in the movement to reform the co-op, objected.

"That's another failure to meet the requirements of the bylaws," he said. "So we're still not complying?"

That elicited a harsh response from trustee Donald Wolberg, a staunch critic of Wagner.

"Well, these things take time, Mr. chairman, at great cost when idiots complain about stupid things, we waste lots of time here," Wolberg said.

Co-op General Manager Joseph Herrera said the meeting was advertised in the newspaper, but issues with the software program that produces bills has prevented the notice of meetings to be printed on billing statements.

Seeking greater transparency from a board that built a reputation for secrecy and conducting business behind closed doors, members last year approved new bylaws that call for the board to follow OMA and provide notice of meetings with advertisements in local newspapers and in monthly billing statements.

Two months later, in June 2010, the co-op challenged the validity of the new bylaws by

 Search 
 [Subscribe to Blog RSS Feed](#)


### Latest News

[Bar fight starts feud](#)

[Thieves caught when vehicle crashes](#)

[New ag agent at helm](#)

[Fly-in gets state award](#)

[Letters to the Editor \(12/26/2012\)](#)

[Advertisement](#)

filing a lawsuit against all of its approximately 10,000 member-owners. The question was settled in May of this year when a district court judge ruled the bylaws were properly adopted and binding and the co-op should have been following them since April 17, 2010, the date of the annual meeting.

### Making Amends

Tuesday's meeting continued briefly. The board approved the agenda and minutes of the May 24 meeting — a meeting the attorney did not attend so had no opportunity to weigh in on Wagner's objection then. But just before the public comment period, Francish interrupted Vice President Dave Wade, presiding over the meeting in place of President Paul Bustamante, who was absent.

"If Mr. Wagner intends to hold void anything done at this meeting because of the failure to place notice in the billings, we should know that," Francish said.

Wagner reminded the attorney that it has been his contention all along that the meetings were invalid.

"We haven't been complying, meaning everything we do is null and void," he said. "We've got 22 meetings to make up for. We have a number of things that we've done where we've committed to contracts, where we've made loans — all null and void."

"It would seem to me," Francish responded, "you ought to make a motion to dismiss this meeting because of failure of notice and the board ought to consider that."

Wagner accommodated the attorney with a motion to cancel the meeting. The motion was about to die for lack of a second when Francish interjected again.

"I think you ought to dismiss the meeting," he told the board.

Prescilla Mauldin then seconded the motion and it passed without a dissenting vote.

Notably, the next agenda item following public comment was a resolution to "ratify and confirm board action," an administrative remedy for non-compliance with OMA.

Other agenda items included bylaw committee and policy committee reports, expected to address the measures adopted by the members last year. It came to light during the court hearings on the co-op lawsuit that Socorro Electric still hadn't drafted the bylaws members approved in 2010 or altered its policy manual. The judge ordered the co-op to draw up a "clean copy" of the bylaws and incorporate them in its bylaw manual.

---

Contact [T.S. Last](#)

---

« [Santa Fe Institute: World class excellence with real math](#)

[Burning the \(roman\) candle at both ends](#) »

SUBSCRIBE

ABOUT US

CONTACT US

ADVERTISING

PRIVACY POLICY

TOP

Copyright © 2012 El Defensor Chieftain

Accessible WordPress Theme by Lotus Seeds Des

If you have a question or comment, [contact us](#). | Interested in [promoting your business](#) on our site? | There's always more in our print edition. [Subscribe to El Defensor Chieftain!](#)