

## A long, drawn out feud continues

by Staff | July 30, 2011 | Filed under: [News](#)

For the second time this month, Socorro Electric Cooperative's board of trustees labored through a long and oftentimes contentious meeting in its effort to get on track with a revised set of bylaws that require the co-op to follow sunshine laws.

Audience members got a slightly different perspective this time as chairs were arranged in rows, as opposed to around the perimeter of the boardroom as is normally the case. Socorro Electric General Manager Joseph Herrera said afterwards the new seating arrangement was a security measure.

"We did it simply because we want to have a buffer zone between trustees and the audience," Herrera said. "We wanted to make enough room between the board and the audience so there would be no interaction with people."

Herrera said the seating arrangement was in response to an incident during a July 18 special meeting at which an audience member placed his hands on one of the trustees when things got volatile.

During the public comment period on Wednesday, however, audience member Marie Watkins told the trustees that addressing the behavior of audience members is one thing, but "I think you better start with the behavior of the board."

The ruckus that erupted at the last meeting came after District 3 Trustee Donald Wolberg made an unflattering remark about District 5 Trustee Charlie Wagner, a leader in the movement to reform the co-op.

Wagner is, in fact, named as representative of the class of co-op member-owners in a class-action proposal currently under consideration by a district court judge. The countersuit, which came in response to the co-op's efforts to block new bylaws that call for increased transparency, names all nine of Wagner's colleagues as cross-claim defendants.

The conflict between the parties continued with an exchange of correspondence between Wagner and co-op President Paul Bustamante since the last meeting and again on Wednesday.

### A Stumbling Block

In May, a judge ruled against the co-op in its case against member-owners, saying bylaws requiring it to follow the Open Meetings and Inspection of Public Records acts were binding and Socorro Electric should have been following them all along.

Since the co-op was not complying with OMA, the board held a 3 1/2-hour special meeting earlier this month and spent a considerable amount of Wednesday's nearly four-hour meeting taking measures to remedy action it has taken over the past 15 months.

A stumbling block is that minutes of past meetings didn't always record the outcome of votes, as required by OMA. So the board couldn't finalize ratification of almost all of the action. Neither could it give final approval on changes to policies affected by the bylaw

 Search 

 [Subscribe to Blog RSS Feed](#)



**eChieftain**  
every page now available!

**El Defensor Chieftain**  
Just a click away

**Click Here**  
to download our  
latest edition!




**PUBLIC NOTICES**  
Your right to know

Available in your local newspaper

**CLICK HERE TO ACCESS PUBLIC NOTICES STATEWIDE**

New Mexico Press Association

### 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](#)

At one point during discussion on the matter, Wagner alleged the co-op's failure to follow the OMA since April 2010 could have resulted in harm that would fall under the legal definition of "irreparable damage."

Bustamante cut off Wagner and defended the actions of the board.

"I don't want to hear your talking and preaching," Bustamante told him. "We've been trying to follow the open meetings (bylaw), but we're new to it."

Bustamante said the co-op has been proactive about adopting the sunshine laws and has been faithfully following them.

"Since when?" Wagner asked.

"Since the day after the annual meeting," Bustamante said, drawing some scoffs from audience members.

Returning to the problem with identifying who voted for what at more than 20 meetings, Wolberg said he didn't think there was cause for concern.

"There's no evidence of any real damage," he said. "This is not a big deal. This is more nonsense than anything else."

In the end, the board ratified more than a year's worth of action, contingent on the board sometime later amending minutes to include the outcome of votes.

### **Letter Exchange**

A day after the last meeting when things turned testy, Wagner sent an email to Bustamante accusing him of several infractions, including failing to maintain decorum and allowing board members to insult each other.

"You failed to use you gavel, failed to reprimand the offending trustees and participated in the same provocative behavior that precipitated the disturbance," Wagner's email reads.

The co-op's response to Wagner's concerns was another agenda item that led to an another exchange between Wagner and the president.

Bustamante's letter refutes some of Wagner's claims and reassures him proper measures were being taken on others.

It finishes with a reminder of the co-op's policy against trustees speaking on behalf of the board, an issue that would come up again later.

In response to Wagner's letter, Bustamante at Wednesday's meeting brought up a discrimination complaint filed against Wagner by a former co-op employee.

"Not true," Wagner protested. "That is something that is 'alleged.' ... There's no proof."

Bustamante persisted, saying that other trustees were witness to or the subject of derogatory remarks Wagner made in the past.

Wolberg entered the dispute, saying the state branch of the League of United Latin American Citizens had brought the matter to the attention of the Department of Justice.

Wagner responded by saying that if the Department of Justice was investigating him, he'd probably know about it.

### **Getting Payback**

Trustee Milton Ulibarri of Socorro, who is on record accusing Wagner of referring to him as a "Mexican Chihuahua," also took aim at Wagner.

During the "subjects by trustees" portion of the meeting, Ulibarri inquired about whether Wagner had been paid expenses for attending a New Mexico Rural Electric Cooperative Association directors' meeting and an Environmental Improvement Board public hearing earlier this year.

When told Wagner had reimbursed the co-op for the directors' meeting but not the EIB meeting in Santa Fe, Ulibarri called for Wagner to pay it back.

"Then I'll make the motion that the \$595 be deducted from his (\$10,000) spending cap," he said, which was followed by a second from Wolberg.

Wagner had been reprimanded before for speaking at the EIB hearing without the approval of the board. It related to the policy Bustamante referred to in the letter, which concludes: "A Trustee may be subject to rebuke from his/her fellow Trustees, should he/she attempt to speak unofficially for the Board of Trustees."

"The EIB meeting was a hearing to give views," Wagner responded. "I introduced myself as a director of Socorro Electric Cooperative and participated."

Wagner turned the tables and said there were other trustees who attended the hearing and didn't contribute anything to the hearing at all.

"That's theft," he said. "You can't do that. It was open to directors who wanted to go up and make a statement."

The matter came down to a vote. With trustee Jack Bruton absent and Bustamante having left to report for work, the motion passed with Ulibarri, Wolberg, Leo Cordova and Dave Wade voting in favor, Wagner voting against and Luis Aguilar and Prescilla Mauldin abstaining.

### **The Last Word**

In Bustamante's absence, Vice President Wade took over as chairman and attempted to keep Wagner under tighter control.

At one point, Wade interrupted the meeting when Wagner stepped away to speak to his wife, seated in the audience.

Wade suggested Wagner was violating the Open Meeting Act by interacting with an audience member. He sought help from the co-op attorney and others to locate the citation, but none could be found because there is no such restriction under OMA.

When Wagner called for a two-minute recess to speak with his wife, Wade denied him the privilege.

"You're going to keep us here until midnight," Wade said as the clock ticked toward 9 p.m.

Wagner got in the last word during another exchange in which Wade said Wagner thought he was right about everything.

"So far I have been," Wagner said, alluding to the judge's ruling affirming the validity of the bylaws members passed last year.

The board set the next meeting for Monday, Aug. 22, at 5:30 p.m.

---

Contact [T.S Last](#)

[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!](#)