

Ref: Chieftain Comments of July 25, 2012:

<http://www.dchieftain.com/2012/07/25/co-op-members-rights-obstructed>

Here is the actual wording of the New Mexico State Law referred to in Charlie's opinion piece in July 25th "Chieftain." I am quoting this law and the SEC bylaws being used in the attempt to make the members vote twice on amendments.

"NEW MEXICO RECA 62-15-7. Bylaws.

"The original bylaws of a cooperative shall be adopted by its [first] board of trustees. Thereafter bylaws shall be adopted, amended or repealed by the majority of the members present any regular annual or special meeting called for that purpose, a quorum being present. The bylaws shall set forth the rights and duties of members and trustees and may contain other provisions for the regulation and management of the affairs of the cooperative NOT INCONSISTENT WITH THIS ACT [62-15-1 to 62-15-32 NMSA 1978] or with its articles of incorporation."

The following SEC Bylaws. ARTICLE XIII. Amendments. are inconsistent with the above state law and seem to have been passed in an attempt to limit the members' power of amendment and to shift that power almost solely to the Board of Trustees. Remember that District meetings are now held only every 4 years and running about to get signatures takes a lot of time and effort to accomplish a right that state law already assigns to the members.

"Section 1. Alterations, Amendments, Repeals These By-Laws may be altered, amended or repealed by the members at any regular or special meeting, PROVIDED THE NOTICE OF SUCH MEETING SHALL HAVE CONTAINED A COPY OF THE PROPOSED ALTERATION, AMENDMENT OR REPEAL.

"Section 2. Proposal to Alter, Amend or Repeal. A proposal to alter, amend, or repeal the By-Laws shall be incorporated in the notice of any regular or special meeting when such proposal is approved by a majority vote by the Board of Trustees; or, when approved by a majority vote of the members at a regular or special meeting; or, upon petition signed by ten percent of the members of each of the districts of the Cooperative."

There are several other examples of Trustee altered SEC Bylaws which conflict with state law and serve to damage the rights of member/owners.