

SEC issues: Do your own research

Recent coverage of Socorro Electric Cooperative elections in El Defensor Chieftain has painted a one-sided picture of co-op affairs, while uninformed comments by public officials and other misrepresentations of fact have gone unchallenged and unreported. First, there's the issue of quorum. For some reason, certain co-op members and a board member continue to hang onto a false definition of quorum that suits their political purposes, regardless of its legal basis. Quorum refers to the minimum number of members of the co-op who must be registered at a meeting *in person*. If that number fails to show up, the meeting cannot take official action. If people leave and a quorum isn't maintained, all subsequent action is not legally valid. The meeting must adjourn.

It's all covered in the by-laws, and all rules, regulations, and by-laws governing the SEC's meeting require that members have to be *present in person* to be counted toward quorum. That means mail-in ballots don't count toward quorum though they do toward an election at a meeting. Don't believe me? Look it up online in Roberts Rules of Order, which the by-laws way must be followed as the rules for every co-op meeting. The problem is, the by-laws were unwisely modified to include mail-in ballots when counting quorum, which co-op attorneys say violate state law and

Guest Column

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contradicts the by-laws' own Roberts Rules of Order provision, leaving the co-op open to legal problems if the ballots are counted towards quorum.

Quorum came up again in the Nov. 16 District III election, when people left the meeting, breaking quorum. Statements made by Mayor Ravi Bhasker in the Nov. 21 El Defensor Chieftain show a complete failure to understand quorum, losing quorum, and its effect on the outcome of the election. You cannot compare members leaving a meeting and thereby losing quorum to people leaving town after a city election — a comparison Bhasker made. The idea of a lost quorum during a meeting has firm legal basis, though the mayor or City Councilman Pargas, who has missed more than 50 percent of his council meeting, may not understand it. That's just how it works under SEC by-laws, and with good reason. It prevents the democratic process from being hijacked by just a few members.

A lot of these problems come back to

whether or not you understand the SEC's by-laws. Admittedly, the by-laws create some of these problems because they are internally inconsistent and contradictory in places, like how and when quorum is determined in a meeting with an election. Recognizing these problems, the SEC Board of Trustees went ahead and certified Melissa Amaro's election.

Correct me if I'm wrong, but remember that the 31 amendments proposed by District V in 2012 were created without legal advice from an attorney and would only add to the problems because the District V amendments themselves are contradictory, ambiguous, or at odds with state law or other rules the co-op is bound to follow. That's why the by-laws need to be reworked with the Member By-laws Committee and attorneys to develop a set of amendments that would fix the inconsistencies and line them up with New Mexico state law. All co-op members should support these amendments and demand they be put up for election at the 2014 annual meetings. It will help us co-op members steer out of this confused mess we're in whenever the issue of quorum or elections comes up.

Editor's note: Milton Ulibarri is a former SEC trustee.