

Petition to recall trustees filed at Kit Carson

By J.R. Logan

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A group calling for the recall of most of the Kit Carson Electric Cooperative Board of Trustees has officially filed its petition at the co-op's main offices.

The petition, which seeks to replace nine of the 11 trustees, was turned in Friday (April 29).

Co-op member and Taos County Commissioner Andrew Chávez, one of 10 members who began the petition in mid-March, told *The Taos News* Monday (May 2) that the petition included the signatures of 822 members.

"The only way to change the situation at the co-op is to change the board," Chávez said.

But in an interview Wednesday (May 4), board of trustees president Bobby Ortega accused those circulating the petition of "misleading, misinforming and in some cases outright lying" to those who signed it.

According to the co-op's bylaws, at least 3 percent of the membership must sign a petition to force a recall vote. The co-op has 22,000 members, meaning the petitioners would have needed to gather at least 660 signatures.

Trustees Ortega, Manuel Medina, Francis Còrdova, Toby Martinez, Arturo Rodarte, Ambrose Mascarenas, Chris Durán, Jerry Smith and Bruce Jassman are named in the petition.

Two board members — Luisa Mylet and Virgil Martinez — are not included in the recall effort. Both Mylet and Mart'nez were the only trustees to vote against a rate increase last fall.

When contacted by *The Taos News*, both Mylet and Virgil Mart'nez said filing a recall petition was well within the rights of the co-op members.

But board of trustees president Ortega said that he and the other named trustees planned to fight the petition.

"The nine board members are not going to take this lying down," Ortega said.

Ortega said the petition did not make any specific allegations, nor did it provide any proof of the general charges.

Among the charges are "breach of fiduciary duty," "misfeasance," "nonfeasance," and "persistent failure to manage KCEC effectively."

Ortega also said many people did not know what they were signing. “They told people they were signing a petition so that their electric rates would not go up,” Ortega said. “They were not told it was a petition to recall nine members of the board.”

“Petition for removal of trustees of Kit Carson Electric Cooperative, Inc.” is printed at the top of the document that was drafted to collect signatures.

Ortega said about 50 people had already approached him about having their names removed from the petition. He said a special meeting of the board of trustees had been called for Friday (May 6). Ortega said the board was looking at state statutes regarding recall efforts to see if there has been any illegal activity.

Co-op CEO Lu's Reyes said in an e-mail that he had no comment until he had reviewed the petition, but he has previously called it “scare tactic” leading up to a rate hearing at the state Public Regulation Commission meeting later this month.

However, those circulating the petition have said that the board of trustees is “out of control” and demand that new board members be installed.

Co-op member Peter Adang, who helped draft the recall documents, told *The Taos News* that he intentionally kept the language vague to allow for some “latitude” when the petitioners make their case at the annual meeting.

The co-op’s bylaws state that once a recall petition is submitted, a special meeting must be called to hold elections. The petitioners are hoping to have the recall election included on the agenda for the co-op’s annual meeting, which is currently scheduled June 18.

Chávez said he was sure Reyes would try to disqualify as many of the signatures as he could. Chávez also said he did not expect the recall election to appear on the annual meeting agenda.

“They will not allow this to go to the annual meeting,” Chávez said. “I’m counting on it.”

Both he and fellow petitioner Adang have said they will ask a district court judge to order that the election be put on the agenda if the co-op fails to do so on its own. They said they will give the co-op 10 days to respond to the petition.

According to the co-op bylaws, trustees will be formally notified of the charges against them in writing before a meeting is held. Trustees can offer a defense and present evidence at any such meeting, and those bringing the charges are also allowed the opportunity to make their case.

If any of the trustees were to be voted out, another trustee from the same district would be elected to take his place for the remainder of the term, the bylaws state.

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Trustees president Bobby Ortega