



BOARD OF TRUSTEES POLICIES

Subject: Member Access to Cooperative's Financial & Management Information Policy			Policy No.: 136
Original Issue: 04/09/1992	Last Revised: 10/29/2021	Last Reviewed: 02/24/2022	Page: 1 of 9
Board Policy 96 is revoked and replaced with Board of Trustees Policy 136			

PURPOSE

To establish a policy that clarifies and defines a member's right to access the financial and management information of Jemez Mountains Electric Cooperative, Inc. (JMEC or Cooperative) (see The New Mexico Nonprofit Corporation Act NMSA 1978 § 53-8-1 et. seq. JMEC Bylaws, Article VI OFFICERS, Section 6 "Secretary" and Article XI, Miscellaneous, Section 4 Accounting System and Reports).

ACCOUNTABILITY

The General Manager, the Secretary and the Executive Committee are accountable for ensuring the implementation of and adherence to this policy. The General Manager is the custodian of the JMEC records.

It is recognized that during the annual holiday period December 15th through January 1st JMEC operates with many staff taking leave, thus JMEC's response time requirements are tolled to the first Monday next January for any request received on or after close of business of the Friday before December 15.

SCOPE

The members of the Cooperative have a right to be adequately informed about the Cooperative's operations and financial condition and shall have generous access to corporate information for any proper purpose at any reasonable time that is reasonably related to the legitimate interests of the member.

1. The type of information routinely available to members without restriction or condition is:
 - * complete books, records of account and audits of JMEC,
 - * minutes of proceedings of JMEC's members, Board of Trustees and committees having any of the authority of the Board of Trustees;
 - * record of names and addresses of members entitled to vote; and
 - * names and addresses of members who voted in the most recent district elections.

all of which may be inspected and/or copied by any member, or his/her agent or attorney, for any proper purpose at any reasonable time (§ 53-8-27 NMSA 1978) as provided further in this policy.

2. The types of information which must, in the best interest of the Trustees, employees and the members, be maintained as confidential information and, therefore, will not be made available to members include:



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- records in personnel files pertaining to physical or mental examinations and medical treatment and all other personnel-file matters;
- letters or memorandums which are matters of opinion in personnel files;
- personal information protected per a union contract;
- tactical response plans or procedures prepared by or for JMEC which could reveal specific vulnerabilities, risk assessments on tactical emergency security procedures that could be used to facilitate the planning or execution of a terrorist attack or other physical harm to the Cooperative, its infrastructure and/or records;
- redacted personal identifier information, including but not limited to date of birth, social security number, names of financial or health care institutions;
- record of substance abuse treatment of an alcohol or drug impaired person who voluntarily submits to treatment at an approved public treatment facility;
- lawyer/ client privileged communication; including preparation for and ongoing litigation;
- JMEC audits reports 5 days after the final audit report is received by JMEC.

POLICY

General

1. The JMEC Board of Trustees will strive to keep the members adequately informed about the Cooperative's operations and financial condition while appropriately protecting privileged, confidential, or proprietary information.
2. JMEC will provide information in various ways, including:
 - a. through its newsletter and/or the “enchantment” monthly magazine;
 - b. JMEC website;
 - c. public filings with the Public Regulation Commission (PRC);
 - d. information available at the Cooperative's offices and through its staff as allowed in this policy;
 - e. reports presented at Trustee meetings and membership meetings; and
 - f. through written request submitted to the, JMEC Board President or General Manager.
3. The JMEC General Manager is custodian of JMEC records and shall:
 - a. post in a conspicuous location open to the public at the JMEC Headquarters in Hernandez and on the JMEC website:
 - i. a copy of this policy;
 - ii. provide on request a copy of “JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, INC. REQUEST FOR INFORMATION OR DATA” form;



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- iii. provide the contact information for the JMEC records custodian; and
- iv. any other information that may be helpful.

4. The JMEC General Manager shall, upon receipt of a written request from a member:

- a. respond to the request within 14 calendar days; and
- b. provide proper and reasonable opportunities for members to inspect and/or copy JMEC records; and
- c. provide reasonable facilities to make or furnish copies of the JMEC records during usual business hours.

5. Definitions

- a. "Custodian, records custodian or custodian of records" means the General Manager or his/her designee.
- b. "Inspected and/or copied" means subject to prior arrangements with the custodian, the member may view and arrange for electronic copy at no charge or other medium at a charge set by the custodian at the location and at times during normal and regular business hours within the custodians' schedule.
- c. "Copied or copies" at the discretion of the custodian may mean only electronic copies.

PROCEDURES FOR REQUESTING RECORDS

1. Any member wishing to inspect and/or copy JMEC records may submit a written request pursuant to a form developed by JMEC and readily available to JMEC members (see paragraph 2). to the General Manager who serves as the designee of the Secretary of the JMEC Board of Trustees (see JMEC Bylaws Article VI OFFICERS, Section 6 "Secretary") custodian of records.
2. A request shall be made using the "JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, INC. REQUEST FOR INFORMATION OR DATA" form provided herewith and available at all JMEC offices and on the JMEC website.
3. The custodian upon receiving the written request shall permit the inspection and/or copying as soon as is practicable under the circumstances, but not later than 14 business days after receiving a written request. If the inspection and/or copying is not permitted within three business days, the custodian shall explain in writing when the records will be available for inspection and/or copying or when JMEC will respond to the request. The three-day period shall not begin until the written request is delivered to the office of the custodian.



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4. For the purposes of this section, "written request" includes an electronic communication, including email or facsimile.
5. A member must have a Proper Purpose as described above in requesting access to JMEC records.
6. A request may be granted or denied in whole or in part, and any denial of a member request will be accompanied by a statement of reasons for the denial, and the General Manager will provide the JMEC Secretary's contact information so the person denied may appeal the decision within five calendar days (including weekends) of such denial. The JMEC Secretary's decision on the appeal will be rendered within 96 hours (four business days) after receipt of the appeal and, unless changed by the JMEC Board of Trustees, such decision is final.
7. Nothing in this policy shall be construed to require JMEC to create a record.

PROCEDURE FOR INSPECTION

1. Requested records containing information that is exempt and nonexempt from disclosure shall be separated by the custodian prior to inspection and/or copying, and the nonexempt information shall be made available for inspection and/or copying. If necessary, to preserve the integrity of computer data or the confidentiality of exempt information contained in a database, a partial printout of data containing JMEC records or information may be furnished in lieu of an entire database. Exempt information in an electronic document shall be removed along with the corresponding metadata prior to disclosure by utilizing methods or redaction tools that prevent the recovery of exempt information from a redacted electronic document.
2. The JMEC General Manager as custodian shall provide a copy of a JMEC record in electronic format if the record is available in electronic format and an electronic copy is specifically requested. However, the custodian is only required to provide the electronic record in the file format in which it exists at the time of the request. The exception is the JMEC member list(s) which shall only be supplied in a hard-copy format.
3. The JMEC Manager as custodian:
 - a. shall honor a member's request to inspect and/or obtain copies of requested documents for a reasonable cost; and may do so by making the documents physically or electronically available at any reasonable location. The General manager as custodian may waive the copying charges as described herein in his or her discretion;;
 - b. may charge reasonable fees for copying the records, unless a different fee is otherwise prescribed by law;
 - c. shall not charge a member for the time the Cooperative spends or the costs it incurs in locating, isolating, assembling, or redacting the requested documents so the requesting member can obtain copies;



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- d. shall not charge fees in excess of thirty cents (\$0.30) per printed page for documents eleven inches by seventeen inches in size or smaller;
 - e. may charge the actual costs associated with transmitting copies of Cooperative records by mail, electronic mail or facsimile;
 - f. may charge an hourly wage equal to New Mexico’s hourly minimum wage for the copying of Cooperative documents, which shall not include any labor or costs associated with locating, isolating, assembling, or redacting documents responsive to the member’s request;
 - g. may require advance payment of the fees before making copies of the records;
 - h. shall not charge a member for inspecting corporate documents;
 - i. shall provide a receipt upon request; and
 - j. not unreasonably burden the process of administering this policy.
4. Timely provision of requested information in electronic form is complete compliance with this policy and the member requests. Any member request not responded to or addressed or otherwise provided to said member by the General Manager as custodian within 14 business days shall be deemed denied.
- a. In the case of such denial, the member may appeal said denial to the JMEC Secretary within forty-eight (48) hours (the next 2 business days).
 - b. Such an appeal shall be addressed by the JMEC Secretary in writing within an additional 10 business days.
 - c. Any member requests for information and/or copying not acted upon by the JMEC Secretary within ten business days shall be deemed denied by JMEC.

REQUEST REVIEW

- 1. The JMEC’s response to a member request for a copy of a Board meeting packet shall be expedited so the member has the information at least 24 hours before the meeting commences. The information made available in the Board meeting packet may be redacted for sensitive information as outlined in this policy.

PROCEDURE FOR EXCESSIVELY BURDENSOME OR BROAD REQUESTS

- 1. If the General Manager as custodian deems the request excessively burdensome or broad and:
 - a. Does not permit the records to be inspected and/or copied within 14 business days of the request, or
 - b. Does not provide a timely response to a request as provided within this policy, or



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- c. Imposes unreasonable burdens on the process,
2. Then the member may make an immediate written appeal by requestor to the JMEC Secretary.

DENIED REQUESTS

1. The General Manager as custodian shall provide the requester with a written explanation of any denial and the denial shall contain:
 - a. a general description of the records sought;
 - b. the date the request was received and
 - c. the reason(s) the request was denied.
2. Should the JMEC Secretary see repeated violations of a similar nature or pattern, the issue will be discussed by the JMEC Board of Trustees.

ROUTINELY AVAILABLE INFORMATION

The Cooperative shall, for a reasonable charge, not to exceed \$0.30 per page and within a reasonable time period, provide copies of the following information:

1. The Cooperative's articles of incorporation, bylaws, rates, charges and fees, service rules and regulations, annual reports, and contracts with third parties and awarded bids (said contracts with third parties may be redacted for sensitive information as outlined in this policy);
2. Any publications the Cooperative may have for general distribution relating to the efficient or safe use of electric energy, the Cooperative's energy use and conservation programs, and the like;
3. The monthly board meeting "book" prepared for the Trustees and containing the meeting agenda; the monthly financial report, generally including reports regarding:
 - a. general fund expenditures,
 - b. credit card charges,
 - c. bid lists,
 - d. quotes,
 - e. financial ratios,
 - f. monthly statement of operations,
 - g. balance sheet,
 - h. cash flow statement,
 - i. revenues,



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- j. capital budget; and
- k. unprivileged reports or communications from Tri-State Generation and Transmission Association, Inc. and other information of interest provided to the Trustees;
- 4. Year-end operating and other financial reports, for JMEC's current and prior fiscal year, that are annually made to the Rural Utilities Service (RUS), and Internal Revenue Service (IRS) tax returns;
- 5. Formal audit reports rendered annually by independent auditors;
- 6. Approved minutes of any Regular, Annual or Special meeting.
- 7. Trustee vouchers.

REQUEST FOR SELF-INFORMATION

- 1. Member requests for the release of their own information will be honored on proof the requestor is the member.
- 2. A copy of JMEC billing statement or member number, and a State-issued photo ID will suffice.
- 3. As directed in writing by the member, JMEC will release information to the member, individuals or third parties.



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JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, INC.
REQUEST FOR INFORMATION OR DATA

I, the undersigned, hereby state that I am a member in good standing of the Cooperative. The information or data I hereby request is solely for my own use. The specific information I am requesting is as follows:

_____.

I hereby covenant that I have read and understand Board of Trustees Policy 136 and shall not allow the information to be used in any way or for any purpose other than as set forth above and in accordance with the policy.

On this __ day of _____, 20 ____.

Signature

Print Name Here

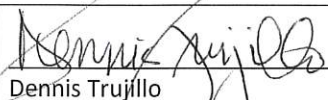
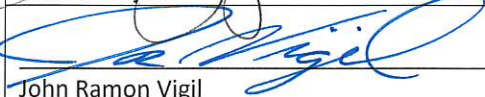
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 Dennis Trujillo	_____, President of the Board	Date: <u>April 13, 2022</u>
 John Ramon Vigil	_____, Chair of the Policy Committee	Date: <u>April 13, 2022</u>

Original Issue: April 9, 1992

Revised: October 29, 2021

Approved: February 24, 2022

The following sections were added into Policy 136;

1. Under POLICY a General section was added in
2. PROCEDURE FOR REQUESTING RECORDS
3. REQUEST REVIEW
4. PROCEDURE FOR EXCESSIVELY BURDENSOME OR BROAD REQUESTS
5. DENIED REQUESTS

The following sections were omitted:

1. Protected Information