

New Mexico Land Grant Council (NMLGC)
July 9, 2018 – 10:00am
Science and Technology Park
851 University Blvd. SE, Suite 202
Albuquerque, NM 87106

Minutes – Final
Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:13 am. Roll call of the Council members: Leonard Martínez, Rita Padilla-Gutiérrez, Macario Griego and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Leonard Martínez (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Macario Griego (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Bryson Frazier (NM Taxation and Revenue Dept./Property Tax Division); Darrell Lujan (NM Taxation and Revenue Dept./Property Tax Division); Roy Sandoval (NM Taxation and Revenue Dept./Property Tax Division); Andrea Padilla (Town of Tomé LG); Laura Montoya (Sandoval County Treasurer); Jennifer Taylor (Sandoval County Treasurer); Lisa Morrison (BLM); Joey Abeyta (office of Cong. Ben Ray Luján); Joseph Casados (office of Cong. Ben Ray Luján); Patricia Domínguez (office of Sen. Martin Heinrich); Michele Jácquez-Ortiz (office of Sen. Tom Udall)

3. Approval of Agenda

Councilor Macario Griego made a motion to approve the agenda; Councilor Rita Padilla-Gutiérrez seconded the motion. The motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of June 22, 2018

Councilor Griego motioned to approve the meeting minutes of the June 22, 2018 Council meeting; Councilor Padilla Gutiérrez seconded the motion. The motion was approved unanimously.

5. Discussion and Possible Action on Presentation by NM Taxation and Revenue Dept.

Bryson Frazier (New Mexico Taxation and Revenue Department), introduced Darrell Luján and Roy Sandoval, also of the New Mexico Taxation and Revenue Department. House Bill 88 called for New Mexico Tax and Revenue to examine abandoned real property in Valencia County, included the Tomé Land Grant. Valencia County came up with idea of accepting their first offer rather than placing it on the market. The lands are unusable because of tax debt but are valuable to the Tomé Land Grant. TRD has spoken with the National Hispanic Cultural Center and the Hispano Chamber of Commerce. TRD has also undertaken mapping and title research and are looking statewide for information. Mr. Frazier stated that anything that NMLGC can do to assist is important. There will probably be some probate

issues from dormant home owner's associations, which they hope will not impose fees on the lands are sold. The NMLGC could assist in the next legislative session in next session by advocating for support.

Councilor Griego asked Mr. Frazier if there were historic sites on the parcels in question and if the legislation applies to any other grants. Mr. Frazier responded that there maybe some, but right of first offer clause is for lands within the Tomé Land Grant. He added that there are also tax issues at the Cristóbal de la Serna Land Grant. Laura Montoya (Sandoval County Treasurer), stated that in developing the bill, the intention was to aid communities that had interest in tax delinquent properties. For county treasurers side, it offers the opportunity to get delinquent accounts off of the books and helps the county and its people with real value for the property.

Councilor Martínez asked if the bill was for patented or historic lands; Mr. Frazier replied that it is currently for patented lands but may be expanded. Chairman Sánchez added that if the bill is expanded, the Chililí Land Grant, by example, has been interested in delinquent properties but penalties and interest make their purchase impossible. Mr. Frazier responded that in this bill, TRD can waive interest and penalties. The bill closes the tax gap and though they may not realize full tax debt, they are closing the tax rolls. Regarding HOAs, Mr. Archuleta asked if TRD had met with the Valley Improvement Association. Darrell Luján (NM TRD) stated that only four counties are affected because of number of lots and that Cañón del Río and Villa del Oro are only subdivisions of VIA that will be effected. Andrea Padilla (President, Town of Tomé LG) stated that the VIA has changed, its budget shrunk, but they have a good relationship with the Town of Tomé LG and that the VIA will not impede. Mr. Frazier stated that there are 35,000-37,000 delinquent accounts on the Tomé Land Grant that total about 45,000 acres.

Councilor Padilla-Gutiérrez commented that Mr. Frazier's team has been phenomenal and thanked them for their work. They understand that the loss of Tomé's land was because of a land scheme. She thanked the New Mexico Department of Taxation and Revenue Department and Representative Debbie Rodella for their advocacy and their assistance to the Town of Tomé Land Grant. She stated that the Town of Tomé Land Grant will at some point ask for support of the NMLGC for legal assistance. Ms. Padilla added that the Grant will ask for legal assistance in the future but are actively needing financial support now; Mr. Archuleta suggested that the Grant approach the NMLGC, but also consider the UNM Law School Natural Resources Law Clinic who has aided the Tierra Amarilla Land Grant through the work of supervised law students. It may also be something that the Town of Tomé Land Grant may consider approaching the Treaty of Guadalupe Hidalgo Division in the New Mexico Attorney General's office for assistance, especially as the Treaty may be invoked in protecting these lands from an HOA.

Mr. Frazier stated that TRD approached the National Hispanic Cultural Center, the Hispano Chamber of Commerce and Hispano Bar Association for ideas. Ms. Padilla stated that the Town of Tomé Grant plans to consider economies that will make them more self-sufficient, one that will help youth with scholarships for college or trade schools and get them back to community in farming and agricultural pursuits. Mr. Frazier and Mr. Luján stated that

unlike House Joint Memorial 1, House Bill 88 does not apply to the Cristóbal de la Serna Land Grant because there are not 5,000 lots in question. There are 12,000 parcels (.25 acres, scattered) in Taos County near Tres Piedras and Carson Estates. Larry Rotman is the GIS mapper for the TRD and the point of contact for mapping questions. Mr. Archuleta stated that the Interim Land Grant Committee will be meeting on July 23rd and August 28th and Mark Edwards (Interim staff) is interested in TRD presenting to the Committee with the NMAG's office.

Bryson Frazier stated that it takes 60-90 days to offer land and that TRD is obligated to notify past owners. Ms. Padilla hoped that if this works for Tomé that this approach for reacquiring land can work for other grants and that we can move this to a discussion with the New Mexico Legislature. If the precedence is successful, it could even help those grants that are not political subdivisions of the state. Mr. Luján mentioned that legislation was passed for Valencia County in 2006 that asked for right of first refusal for land grants for lands that went to public sale. The land grant did not have funds and asked TRD and Valencia County to cancel the sale. Chairman Sánchez commented that in the past, when land grants were not units of government but considered only quasi municipal corporations, lands went on sale and outsiders outbid the Chililí Land Grant and drive the price from \$300 to \$10,000. Land grants quit pursuing first offer legislation because the Governor's administration blocked this legislation. Mr. Luján of TRD commented that TRD now has mapping data that allows them to be precise regarding tax delinquent properties. Legislation could help TRD pursue these properties on behalf of land grants. In Anton Chico, people within the grant sold land and wanted their own individual assessments and the County received two paid assessments, which is illegal. He suggested land grants change by-laws to allow them to reacquire for unpaid taxes.

Councilor Padilla-Gutiérrez closed by again thanking the Taxation and Revenue Department for going above and beyond in helping the Town of Tomé Land Grant.

6. Discussion and Possible Action on BLM Update

Lisa Morrison (BLM) reported that she discussed lands and right-of-ways with Debbie Lucero of the BLM. She is also investigating to ascertain if polisubs can be sole sourced for permits for wood and is looking into other ways to get permits other than going to Taos BLM Field Office, for instance issuing them in community. She wants feedback to learn what time of year would be best and how often the permits should be offered. Councilor Martínez suggested the spring until June when areas close and then again in July through the fall; Ms. Morrison stated that she will report it to Mark Coca. Ms. Morrison reported that the state land exchange is going along and will carry into 2019 with new land commissioner. The Rio Grande del Norte management plan is ongoing and the BLM is looking at the most recent comments from the NMLGC. The most recent public comments are being incorporated into latest public draft. The Farmington RAC met in Taos, July 10-11; the Farmington RMP draft will be released soon for comments. The effect of supposed BLM reorganization remains unclear. Secretary Zinke has talked of moving the national BLM office to a state, possibly Denver or Albuquerque. There has also been discussed a plan to combine other agencies into one regional office (Bureau of Reclamation, BLM, US Fish and Wildlife) and to staff the regional office with one main manager for region and one

main office. Michelle Jácquez-Ortiz (Office of Sen. Tom Udall) commented that Senators Tom Udall and Martin Heinrich have sent a letter commenting that the President is taking this action unilaterally and that Senator Udall, who sits on appropriations, will oppose the action.

7. Discussion and Possible Action on Forest Service Update

Mr. Archuleta reported that the USFS will hold a Spanish-speaking outreach meeting on July 12 at the Rio Arriba Rural Events Center near El Rito. The USFS initially stated its purpose was to translate Forest Service documents into Spanish but reframed it as a focus group on what conservation means to Spanish speakers. The USFS initially contracted with HECHO out of Arizona to run the focus groups / workshops. HECHO suggested meetings only in Las Vegas and Pecos were necessary. Their meetings were skewed to the conservation side and the Forest Service decided to hold meeting with participants from the NMLGC provided list. The first meeting is Thursday, July 12, 6:00-7:30 and the USFS plans to hold more sessions. Patricia Domínguez reported that she attended the HECHO convened meeting in Las Vegas and that a strong local contingent and their perspective did come through. Participants had acequia and land grant connections but direct users and were not informed about policy.

8. Discussion and Possible Action on Attorney General's Update

The NMAG's office is in the process of hiring an attorney and committed staff for the Treaty Division. The copy of the demand letter regarding the Tierra Amarilla Land Grant and legal action against Frente de la Lucha is in the packet.

9. Discussion and Possible Action on CFRP Panel Support Letter

Mr. Archuleta gave background on the CFRP panel and interest of Phillip Clark (San Antonio de las Huertas LG). His application packet is in meeting packet and is due on July 18, 2018. Mr. Clark has a learning curve when it comes to land grants but is educated and experienced.

Councilor Martínez made a motion to support Philip Clark's application to the CFRP and to authorize the Chair to sign future letters from land grants requesting support. Councilor Griego seconded the motion. Councilor Padilla-Gutiérrez abstained. The motion passed.

10. Discussion and Possible Action on Cañón de Carnué Financial Reporting

Mr. Archuleta reported that the Cañón de Carnué Land Grant has offered to pay the NMLGC for assisting the grant with its financial reporting. He is not sure if the Council can bill through UNM but needs Council approval first. It may be billed as a fee for service billed by the hour. It would not a considerable amount of money, but does demonstrate that the Council does bring in income. It is up to the Council to decide if they want to charge for these services. UNM does not want NMLGC to provide accounting services; the Council will not and will only help with reporting. The Council could also set up a fund with these monies that would provide land grants up front monies needed to purchase goods or services in support fund agreements. Councilors requested staff to study the feasibility of setting this up

11. Discussion and Possible Action on Request by San Joaquín del Río de Chama concerning PLVC

Councilor Martínez reported that the San Joaquín del Río de Chama Grant met regarding the Piedra Lumbre Visitor Center and wants the NMLGC to be a stakeholder. NMLGC may share revenues as well. The Juan Bautista Baldez Grant is interested in the NMLGC's involvement in the plan as well. Mr. Archuleta reported that he has yet to hear about appraisal. Councilor Padilla-Gutiérrez asked if NMLGC's involvement would involve finances out of NMLGC budget. Councilor Martínez responded that NMLGC help would be more through staff assistance and legal expertise and assistance when approaching the NM State Legislature. Mr. Archuleta added that we do not know if the NMLGC has the ability and authority to join in this sort of agreement. Nothing in statute shows an obvious prohibition against the NMLGC serving in this capacity or what limits of are imposed by state law. NMLGC staff has supported the PLVC acquisition through liaison work thus far. Chairman Sánchez added that there are extant models for public/private partnerships and we need to ask the Attorney General's office for guidance as to how Council can be involved in the PLVC.

Councilor Padilla-Gutiérrez made a motion that the NMLGC, to the extents allowable, partner with the other land grants in the Piedra Lumbre Visitor Center. Councilor Griego seconded the motion. Councilor Martínez abstained. The motion passed.

12. Discussion and Possible Action on Legal Services Contract

Mr. Archuleta reported that the FY 2018 Contract is fully drawn down upon. The FY 2019 contract at UNM is in place as of July 1st for first time, meaning that Legal Services can draw on contract immediately.

13. Discussion and Possible Action on Council FY 2018 and FY 2019, 2020 Budgets

Mr. Archuleta discussed final FY 2018 budget update. In publishing, the Council published an excerpt from J.J. Bowden's 1969 Master's Thesis "Private Land Claims in the Southwest" that included all active or recently active land grants. In the UNM contract portion of the total Council budget, we expended all but \$96.02 of the \$198,390.00 contract, which translates to .013% of total council budget left unspent. Councilor Padilla-Gutiérrez applauded the financial management as proof that land grants are in need and are spending monies. Councilors can also get direct deposit rather than paper checks so as not to have to wait for DFA to cut a check. Councilors also discussed the FY 2020 budget (\$775,000.00).

Councilor Martínez made a motion to approve FY 2020 NMLGC budget recommendation with narrative. Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

14. Discussion and Possible Action on UNM Contract FY 2018 and FY 2019

Mr. Archuleta presented pay request #11, including a discussion of the billing narrative.

Councilor Martínez made a motion to approve pay request #11, as amended. Councilor Griego seconded the motion; the motion passed unanimously.

15. Discussion and Possible Action on Land Grant Support Fund

None.

16. Discussion and Possible Action on Federal and State Legislation

Federal

The Council discussed the Traditional Use Rights Bill (Rep. Ben Ray Luján), including suggested changes to the draft bill from the NMLGC and a quote from the NMLGC regarding the Bill. Joseph Casados (Office of Congressman Ben Ray Luján) stated that the bill was renamed the “Land Grant and Acequia Traditional Use Act.” The Commission Bill was introduced by Congressman Steve Pearce. The NMLGC provided comments for the June 23 draft of the bill. Patricia Domínguez (Office of Sen. Martin Heinrich) stated that the House and Senate passed two very different farm bills that will need to be married in a conference committee. EQUIP legislation will probably come out of the draft from that conference. And she suspects that EQUIP for acequias and land grants will survive the committee process. Mr. Archuleta commented that he understood that acequias were able to be included in House side, but not land grants.

Michelle Jácquez-Ortiz (Office of Sen. Tom Udall) discussed the Trust Fund Bill and asked for dates from the NMLGC in August 2018 for a conference call with Stephanie Harding from Sen. Udall’s Washington DC office. Regarding EQUIP, she stated that the EQUIP legislation in the Senate version of the Farm Bill “does not explicitly include land grants. Regarding the cemetery legislation, Patricia Dominguez reported that a letter has gone to Cal Joyner requesting information from the USFS. James Melonas of the Santa Fe National Forest has already been aiding Sen. Heinrich’s office in pursuit of information, including permitted and in the historic past permitted. Jacobo Baca (NMLGC) reported that the NMLGC is pursuing access from the State Historic Preservation Office to arch site maps.

State

Mark Edwards (ILG staff) requested NMLGC put together a presentation regarding land grant elections for the June 23rd meeting in Abiquiu. He also asked for someone from Carson present regarding the PLVC.

17. Discussion and Possible Action on Land Grant Registry

Mr. Baca reported that Juan García of the Juan José Lobarro Land Grant Juan Jose Lobato LG abstract.

18. Discussion and Possible Action on Correspondence Received by the Council

None.

19. Discussion and Possible Action on Land Grant Studies Program Update

Mr. Archuleta reported that the LGSP is still in the process of hiring the two youth coordinators. Director LM Garcia y Griego will be at the staff meeting as well.

20. Discussion and Possible Action on Staff Assignments

None.

21. Public Comments – discussion only

None.

22. Miscellaneous Announcements

Mr. Archuleta announced that ICIPs with their resolution are due July 16th to DFA.

23. Date and Location for August Council Meeting

Next meeting to be August 17, 2018 in Albuquerque, NM, location to be determined (UNM STC, maybe).

24. Adjournment:

Councilor Martínez made a motion to adjourn the meeting; Councilor Padilla-Gutiérrez seconded the motion. The meeting adjourned at 12:55pm.

Approved:

Chair

Date