

New Mexico Land Grant Council (NMLGC)  
March 22, 2019 – 10:00am  
Cañón de Carnué Land Grant Hall  
Carnuel, NM  
(363 NM Highway 333  
Tijeras, NM 87059)

## **Minutes – Final**

### **Regular Council Meeting**

#### **1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:06am. Roll call of the Council members: Rita Padilla-Gutiérrez, Juan Sánchez, Macario Griego and Leonard Martínez 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); Venessa Chávez (LGSP); Cheyenne Trujillo (NMLGC/LGSP); Malaquias Rael (NM Attorney General's Office); Moises Gonzales (Cañón de Carnué LG); Ruby Niner (land grant researcher); Rob Craig (former director of Ghost Ranch); Michele Jácquez-Ortiz (Office of Sen. Tom Udall); Patricia Domínguez (Office of Sen. Martin Heinrich); Heidi Byrd (Office of Sen. Martin Heinrich)

#### **3. Approval of Agenda**

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

#### **4. Approval of Meeting Minutes from Regular Council Meeting of February 15, 2019**

Councilor Griego made a motion to approve the meeting minutes of the February 15, 2019 Council meeting; Councilor Padilla-Gutiérrez seconded the motion. The motion was approved unanimously.

#### **5. Discussion and Possible Action on Federal and State Legislative update**

Mr. Arturo Archuleta reported on a fruitful legislative session. (A legislative update was provided in the packet) SB 244 (Legal Services for Land Grants, Acequias, Colonias/Community Governance Attorney Act) passed and was signed. Rep. Miguel García appropriated \$200,000 for the waiver of fees and partial salary for year working with land grants, acequias, or colonias. HB 33 (Expand Authority of Treaty of Guadalupe Hidalgo) died on Senate floor, three bills away from being heard. We hope to get a message from governor next year (which would allow a non-budget bill to be heard through the legislative process). HB 36 (Land Grant Merced Assistance Fund) died in House Appropriations and was pulled by Rep. Miguel García. He commented that he wanted the fiscal impact reports (FIRs) but did not feel the bill was ripe. One FIR recommended that

Council play a role and that funding distributions be run through the NMLGC rather than DFA.

HB 94 (Land Grant Partitions) made it through the Senate at 11:51am on Saturday March 16<sup>th</sup>, the last day of the legislature. The Governor's office requested information from the Council on the impact of the bill, which has been provided. SB 13 (Lineas Issues at Taos-Area Land Grant) died in the Senate Finance Committee. SB 17 (Land Grant Board Comprehensive plans) passed and is at the Governor's desk awaiting signature. The Council received an e-mail from DFA (in packet) asking for administrative and fiscal impact of the bill. A response has been sent. SB 44 (Equipment Purchases for Land Grants) passed and is at the Governor's desk awaiting signature. SB 223 (Land Grant Elections) passed and is at the Governor's desk awaiting signature. SJR 2 (Laguna del Campo transfer to the Tierra Amarilla Land Grant) passed and does not need the signature of the Governor. New Mexico Department of Game and Fish can now process the transfer. HB 351, to amend the Guadalupe Hidalgo Treaty Day Holiday statute, passed the House but died in Senate Finance. There was confusion over the bill because of the use of the word "holiday" which had some concerned that it was creating another state holiday that would be a paid day off. SM 17, which recognized Treaty of Guadalupe Hidalgo Day in the Senate on February 1st, 2019, was adopted by the Senate on February 1, 2019 and copies of the memorial were distributed to land grants by the Land Grant Council.

HB 592, to recognize the Merced del Manzano as a Political Subdivision of the State, which repeals their statute and places it under 49.1, is at the Governor's desk and is awaiting her signature. Rep. Matthew McQueen and Sen. Liz Stefanics pushed hard for this bill. SJM 20, to request that the Carson National Forest not include the Rio Santa Barbara as eligible for a Wild and Scenic Rivers Designation in the Forest Plan, died on Senate Floor. SB 280, capital outlay, included \$2.3 million for land grants, including: Abiquiú, \$170,000 for a community facility; Cañón de Carnué, \$68,000 for an RV park; Cristóbal de la Serna, \$50,000 for land purchase; Don Fernando de Taos, \$50,000 for an administrative facility and property; Manzano, \$300,000 for the purchase of a community center; San Antonio de las Huertas, \$120,000 for emergency sirens; San Joaquín del Río de Chama, Juan Bautista Baldes and Tierra Amarilla, \$905,000 for the Piedra Lumbre Visitors Center; Tajique, \$250,000 for community center renovations; Tomé, \$250,000 for land acquisition of tax abandoned property; Chililí, \$150,000 for the purchase for a bulldozer; and Tecolote, \$50,000 for community center renovations. The New Mexico Land Grant Council received a budget of \$296,900, an increase of \$70,000. Jacobo Baca (NMLGC) added that HM 38, asking Rio Ariba County to aid Santa Cruz de la Cañada in being recognized as a municipality, was also passed.

### *Federal*

Michele Jácquez Ortiz (Office of Sen. Tom Udall) reported that Stephanie Harding has left Senator Tom Udall's Washington DC office. She left for a climate change project with National Geographic. A replacement will be hired next month. Patricia Domínguez (Office of Sen. Martin Heinrich) commented that she will set up the next quarterly congressional conference call, which is tentatively scheduled for April 12. Mr. Archuleta suggested that we spend the majority of the time orienting new congressional staffers on land grants and

legislative priorities. He also stated that we will work to reschedule the EQIP event with Senator Udall and Rep. Ben Ray Luján. Mr. Archuleta reported that he met with Sofia Sánchez of Rep. Deb Haaland's office and set May 31 as a tentative day to hold a roundtable and tour with land grants. Alternatively, Rep. Haaland will be at the Cañón de Carnué Land Grant on May 5<sup>th</sup> and we may hold a roundtable that day and do a land grant tour on May 31<sup>st</sup>. Councilor Padilla-Gutiérrez reported that Andrea Padilla, president of the Town of Tomé Land Grant, met with Rep. Xochitl Torres Small and that she is interested in visiting the grant.

#### **6. Discussion and Possible Action on BLM Update**

None.

#### **7. Discussion and Possible Action on Forest Service Update**

Mr. Archuleta reported that the forest plan revision process is ongoing. Chairman Sánchez reported that the Cíbola, Carson and Santa Fe National Forests visited Washington DC and briefed the Chief of the Forest Service on their draft plans last week. National leadership was receptive and the forests don't anticipate any major changes to their plans as drafted. Patricia Domínguez added that the capitol Christmas tree will come from the Questa Ranger District and reported that communities interested in hosting community events to make ornaments should discuss their plans with the USFS. Ms. Jácquez-Ortiz commented that the tree will stop at communities en route to Washington and a stop at a land grant community would be great publicity. Mr. Archuleta also spoke with James Durán, who spoke with James Melonas and Steve Hattenbach, about renewing the MOUs with the Council and the MLECT and looking at stewardship authority. They also discussed starting up land grant quarterly meetings again.

#### **8. Discussion and Possible Action on Council FY 2019 Budget**

Mr. Archuleta provided a budget update. \$102,144.22 under UNM contract has been expended up to date, leaving a \$96,299.78 balance on contract. The total budget balance is \$115,473.42.

Councilor Griego commented that he would like to see councilors get reimbursed for their travel, citing the expense that Councilor Martínez and Councilor Sánchez encumbered staying involved in the state legislature. Mr. Archuleta commented that these reimbursements were allowed under the Richardson administration but were stopped under the Martinez administration and that it may be possible to bring them back. Councilor Martínez also commented that it is important to bring back out of state travel. Mr. Archuleta added that with the increase to the council budget the Council could increase the NMLA contract and get more legal services for land grants and could contract a surveyor or hire through a service agreement (part time).

#### **9. Discussion and Possible Action on UNM Contract FY 2019**

Mr. Archuleta reported that he and Dr. LM García y Griego will meet with Office of the Vice - President for Research and will discuss the F&A (Facilities and Administration) fee and will work to negotiate a rate lower than the current 20%. Legislators, including the Legislative Finance Council, have commented about the 20% F&A rate with displeasure and the goal is

to negotiate the rate to somewhere between 5% and 10%. The Council also seeks better office space. Space available at UNM Science and Technology Center runs about \$35,000 per year, which would necessitate an increase in budget and higher return in F&A.

Mr. Archuleta reported that we do not have typical billing because of issues at UNM. UNM only received 50% of its monies due under the contract by January 1<sup>st</sup>, per New Mexico state policy so the contract is \$3,000 overspent. DFA only released 50% of funds and the NMLGC was operating at \$99,000 from first half of year. To balance the budget we needed to take monies from other areas of budget to compensate. DFA did release a new purchase order and sent it to UNM, but it needs to go to the UNM Office of Sponsored Projects from UNM Contracts and Grants. We hope to get a new billing and get rid of a \$3,000 deficit on the books. The narrative needs to be adjusted to reflect the variable billing and the billing sheet in the packet. New Mexico Legal Aid billing did clear and there is no new billing for January or February. Mr. Archuleta presented two versions of pay request #7 for two amounts, \$20,320.05 or \$23,242.27. Councilor Griego made a motion to approve Pay Request #7 for \$20,320.05 or \$23,242.27 and to authorize Chairman Juan Sánchez to sign for either amount; Councilor Padilla Gutiérrez seconded the motion. The motion passed unanimously.

#### **10. Discussion and Possible Legal Services Contract Update and Requests**

Billing from NMLA was received and there have been no new requests. Work continues on the Tierra Amarilla case with the UNM Law Clinic and David Benavides as co-council. Work also continued for Tajique, San Antonio de las Huertas, the Piedra Lumbre Visitors Center agreement, Tomé and Anton Chico.

#### **1. Discussion and Possible Action on Land Grant Support Fund**

Mr. Archuleta reported that all Land Grant Support Fund agreements are signed and at the Department of Finance and Administration. Once DFA initiates purchase orders, awardees can spend their monies. Council members discussed conversations with DFA regarding allowable expenses, including powertools (Tomé) and a truck (Anton Chico).

#### **12. Discussion and Possible Action on Land Grant Registry**

Mr. Baca reported that an heir of Anton Chico made an IPRA request for records of the Anton Chico Land Grant from the registry. Council staff shared all Anton Chico documents on file, which solely includes documents from the registry deposited with the Secretary of State's office and scanned by the Council.

#### **13. Discussion and Possible Action on Correspondence Received by Council**

None.

#### **14. Discussion and Possible Action on Land Grant Studies Program Update**

The LGSP budget has remained flat at \$122,100.00. Mr. Archuleta reported that Joseluis Ortiz was in a severe car accident and is on unpaid medical leave with benefits. Mr. Archuleta reported that Chairman Sánchez will not be able to attend the NACCS (National Association of Chicana and Chicano Studies) conference April 4-6. Dr. Baca will present in the Chairman's place. LGSP staff have made many public presentations this year, including

to presentations at the GPS conference and for the League of Conservation Voters. Councilor Martínez also mentioned that the Cervantes Institute at the National Hispanic Cultural Center will request a presentation soon. Mr. Baca added that youth programming led by Venessa Chávez Gutierrez at the Cubero Consejo meeting was well done.

### **15. Discussion and Possible Action on Staff Assignments**

Mr. Archuleta discussed the difficulty that the Town of Tome grant has had getting access to Bosque and commented that they may need help. Mr. Archuleta discussed the state auditor's at risk list. Land grant must be up to date on all reporting requirements by the state auditor in order to receive capital outlay monies. They will bet their monies but will be flagged and under review. Chairman Sánchez added that there is state auditor training on April 12 in Santa Fe and on April 16 in Albuquerque. Mr. Archuleta has asked the auditor office to allow the NMLGC access to aid land grants in the online system.

### **16. Public Comments – discussion only**

Mr. Archuleta reported that he received a call from Mariana Padilla of Governor Michelle Luján Grisham's office asking for analysis of a few water bills that passed and the New Mexico Acequia Association supports. The NMLGC does not have issues or concerns. These include: HB 17, clarifying lease of water rights served by acequia or community ditch, whereby the OSE was allowing leases to move water right before they were approved; HB 37, which calls for no acquisition of water rights with LEDA monies (Councilor Martínez stated that the bill should be amended to allow land grants and acequias to do so); HB 379, to allow acequias to obtain leases on property owner for not paying fees; HB 651, the Water Data Act, to make people share info and SB 12, which allows water rights certifications online.

Councilor Griego asked about overturning the *US v. Sandoval* decision. Mr. Archuleta responded that the GAO misinformed many in its discussion and recommendations when they mentioned that Congress could legislatively overrule *US v. Sandoval*. To do so, land grants would have to do so in the courts, first in lower courts and appeal it all the way back to the U.S. Supreme Court.

Councilor Padilla-Gutiérrez recognized Ruby Niner, a Valencia County historian. Ms. Niner stated that she has been studying Valencia County Land Grants for 11.5 years and has done the genealogy on three or four grants with little or no institutional help. She is currently working with a genealogist on the Socorro Land Grant. In Los Lunas, there is no recognition of the San Clemente, Belén, Sevilleta, Nicolas Durán y Chaves, or the Antonio Sedillo. Farmers are concerned of water and the City of Los Lunas is purchasing waters and using it for development. Councilor Padilla-Gutiérrez suggested that she work with Dr. Baca to discuss her work.

Councilor Martínez recognized Mr. Archuleta for his dedicated work during the state legislature. Venessa Chávez (LGSP / Tajique LG) thanked Mr. Archuleta for his advocacy on behalf of Tajique and of all other land grants.

Ms. Jácquez-Ortiz requested that the Council assist her in identifying an acequia and land grant community to celebrate changes in the 2019 Farm Bill, including eligibility for EQIP funding. They are trying to elevate issue and get state and national coverage and educate others in Congress. They will invite the governor and the delegation, but will coordinate with Congressman Ben Ray Luján. The event will likely take place in May 2019.

**17. Miscellaneous Announcements**

ICIP training will be held in Albuquerque on May 1. They are due August 1, 2019. Technical assistance for CDBG grants will be offered in Santa Fe on April 18<sup>th</sup> and in Santa Fe on May 31<sup>st</sup>.

**18. Date and Location for April Council Meeting**

The next meeting will be held on April 12, 2019 at 10:00am at the UNM.

**21. Adjournment**

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

**Approved:**

\_\_\_\_\_

Chair

\_\_\_\_\_

Date