

New Mexico Land Grant Council (NMLGC)  
September 29, 2023 – 10:00am  
UNM Science & Technology Center,  
Executive Board Room  
851 University Blvd SE  
Zoom – Meeting I.D. – 971 2573 0960

**Final Meeting Minutes  
Regular Council Meeting**

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

Chairman Juan Sánchez called the meeting to order at 10:02am MDT. Roll call of the Council members: Andrea Padilla, Steve Polaco, and Juan Sánchez were present.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Arturo Archuleta (NMLGC/LGSP); Greta Archuleta (NMLGC); Anissa Baca (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Ricardo Dow y Anaya (NM Attorney General's Office); Enrique Romero (Deputy AG, NM Attorney General's Office); Belinda Mollard (USFS); Jason Quintana (Manzano LG); Lisa Morrison (BLM) A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández); Xochitl Campos Biggs (Office of Congresswoman Teresa Leger Fernández); Leonard Martinez (San Joaquín del Río de Chama LG); Erick Stemmerman (USFS); Daniel Maes (Cristóbal de la Serna Land Grant); Eric Chávez (Office of Senator Ben R. Luján);

**3. Approval of Agenda**

Councilor Polaco made a motion to approve the agenda; Councilor Padilla seconded the motion. Roll call vote:

Councilor Padilla – aye  
Councilor Polaco – aye  
Chairman Sánchez – aye

The motion was passed.

**4. Approval of Meeting Minutes from August 11, 2023 Regular Council Meeting**

Councilor Padilla made a motion to approve the meeting minutes of the August 11, 2023 Council meeting; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla – aye  
Councilor Polaco – aye  
Chairman Sánchez – aye

The motion was passed.

**5. Discussion and Possible Action on U.S. Forest Service Update**

Belinda Mollard (USFS) introduced herself as the new Traditional Cultural Communities Places Liaison for the Carson National Forest.

Eric Stemmerman stated that the Forest Service is preparing for a potential government shutdown and any urgent concerns or questions should be sent to him as soon as possible.

The most recent updates from El Valle Fire were included in the packet.

#### **6. Discussion and Possible Action on Bureau of Land Management Update**

Lisa Morrison (BLM) reported several updates. The BLM has started a 90-day comment period for a mineral withdrawal in Placitas, near the San Antonio de Las Huertas Land Grant. This new mining claim will prevent new mining claims oil and gas development for 50 years. There will be a public meeting Nov 14 at the Placitas Public Library 5:30pm-7:30pm.

Ryan Ashcraft is a new Park Ranger in the Taos Field Office.

On September 20 the scoping closed for the Rio Grande del Norte management plan and collaborating agencies plan to meet on October 24 from 1:00pm-3:00pm and on November 14 from 1:00pm-3:00pm.

There will be two meetings held to discuss the scope of plan for the Ohkay Owingeh and BLM land exchange on October 5 and 12. Meetings are subject to change depending on the tentative federal government shutdown.

#### **7. Discussion and Possible Action State Land Office Update**

Camila Romero (State Land Office) was unable to attend the meeting but gave updates for Council staff to report. Mr. Archuleta reported that there is fuelwood available at White's Peak due to a recent fire.

#### **8. Discussion and Possible Action on Federal and State Legislative Update**

##### *Federal*

AJ Pacheco (Office of Rep. Teresa Ledger Fernandez) shared that the Representative and her office are taking steps to expand cemetery access for land grant-mercedes. The Representative's office will remain open in the event of a federal government shutdown; however, any liaison work may be impacted if other federal agencies are unavailable at this time.

Eric Chavez (Office of Sen. Ben Ray Luján) stated that the Senator and his office are continuing to work on Traditional Use Bill and are in contact with Council staff regarding the bill. He also updated the Council on the agencies and services that will be affected in the event of a government shutdown.

S. 2708 – Comments were submitted by the USFS/USDA and Council Staff. Mr. Archuleta presented the staff's recommended changes to the bill (in packet). The comments were provided to Sen. Ben Ray Luján's office for a meeting with the All Pueblo Council of Governors that occurred on 9/28/23.

Councilor Padilla made a motion to approve the comments and changes indicated by Council staff. Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla – aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

#### *State*

The Land Grant Interim Committee held its most recent hearing in August in Peñasco where Mr. Archuleta gave a presentation regarding a revolving loan fund for land acquisition for land grants. Councilor Padilla expressed interest in the Council reaching out to other communities to clarify the use and need for the fund.

President Leonard Martinez (San Joaquin del Río de Chama Land Grant) asked what happens to the property obtained through this loan fund if the land grant does not continue its payments on the newly acquired property.

Mr. Archuleta stated that the Council will have to create a set of rules regarding this issue and build other parameters for the loan fund as we move forward with the bill.

Councilor Polaco made a motion to approve the draft common land acquisition revolving fund bill; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla – aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

The next Interim Land Grant Committee meeting will take place on October 23-24 in Carnuel.

#### **9. Discussion and Possible Action on Office of the Attorney General & Treaty Division Update**

Enrique Romero (OAG) introduced himself as the new Director of the Treaty Division. He also discussed his role in supporting the Council and the overall vision of the Treaty Division.

#### **10. Discussion and Possible Action on Natural Resource Issues & Concerns - Local, State and Federal**

The U.S. Department of Agriculture (USDA) has issued a news release (in packet) regarding available funding for conservation programs. Applications are due November 23.

Mr. Archuleta received word that there is funding available through the USDA for farmers and ranchers who have faced discrimination (in packet). Applications are being accepted through January 13, 2024. The original deadline was October 31, 2023.

Dr. Jacobo Baca wrote an article about land grant-mercedes in New Mexico for the Mana y Ola newsletter (in packet).

#### **11. Discussion and Possible Action on Land Grant-Merced Assistance Fund Eligibility**

Council staff presented a detailed list of land grants that are political subdivisions of the state which addressed each of the land grants' compliance statuses with the Council, Office of the State Auditor (OSA), and the Department of Finance and Administration (DFA). Staff explained that it is the role of the Council to ensure that land grants receiving a distribution are following necessary statutes and are in good standing with the necessary state agencies. There are 27 land grants that

are named in statute as political subdivisions of State, making them potentially eligible for a distribution from the Land Grant-Merced Assistance Fund (LGMAF).

Staff first discussed the land grants who did not meet the first eligibility requirement of being compliant and up to date in their annual reporting to Office of the State Auditor. Each year, the OSA sends a list of the land grants in good standing with their office. Of the 27 potentially eligible land grants the following land grants did not make that list: Cañon de Carnúe, Tecolote, Town of Torreón, Atrisco, and San Antonio de Rio Colorado Land Grants. Having not met this requirement staff indicated there was no further evaluation of these land grants.

Staff further explained the other eligibility requirements for a LGMAF distribution which include several certifications that must be sent to the Council for review. These included election certification, annual report certification, bonding certification, and annual revenue certification. Additionally, land grants must be up to date with their budget reporting to the Local Government Division-Budget Finance Bureau (LGD-BFB) at DFA. The Cebolleta and the San Agustin Land Grants were listed as compliant with the OSA. However, the Cebolleta Land Grant did not meet their budget reporting requirements to DFA nor did they submit the necessary certification forms and documentation for Council review. The San Agustin Land Grant was recently listed in statute and does not yet have a budget to report to DFA, however, the land grant did not submit any of the necessary certifications for Council review.

There was further discussion on the individual land grants that needed additional consideration from the Council members. Council staff explained that the Town of Tajique Land Grant submitted all the necessary certifications but did not provide proof of a bonded board member, but have indicated that they were in the process of doing so. The adjusted revenue certification indicated that the land grant would be eligible for a 75% distribution, and they are holding an election in November which adheres to their by-laws. Additionally, they have submitted all budgetary requirements to DFA.

Staff then discussed the Santo Domingo de Cundiyo Land Grant. The land grant submitted all certifications, but did not submit the proof of a bond. However, the Council purchased the bond for a member of the land grant board, so it is evident they have one. The land grant did not meet their budgetary requirements to DFA. The land grant submitted an initial FY 2023 budget, which was approved by DFA. However, the following quarterly reports and FY 2024 budget were submitted incorrectly, and adjustments were never made and thus the Land Grant was listed as non-compliant with budget reporting requirements by LGD-BFB on the list provided to the Council on 9/29/23.

The San Miguel del Bado Land Grant submitted certifications to the Council, but did not submit the proof on a bond. The adjusted revenue certifications indicated that their revenues were about \$12,000, however, in the calculations there is about \$24,000 unaccounted for, which may just be a math error. The amount does not materially affect their distribution categorization which would be for a 100% distribution. Additionally, the land grant did not submit their third and fourth quarterly budget reports to LGD-BFB and as a result was listed as non-compliant with budget reporting requirements by LGD-BFB on the list provided to the Council on 9/29/23.



Staff then moved on to discuss the Juan Bautista Baldes Land Grant. The Land Grant submitted the required certifications but did not submit a proof of a bond, in addition as outlined below the annual report certification was later determined by staff to be incorrect. It was verbally communicated that the treasurer was in the process of becoming bonded. The land grant met audit reporting requirements and was listed as compliant with the OSA. The land grant recently switched from reporting on a calendar year to a fiscal year, which required them to report from the period of January 2022 through June 2022 to be caught up in their reporting to the OSA. The land grant is also up-to-date in their budgetary reporting to DFA.

However, while receiving assistance from the Council's staff, there have been some concerns raised with the management of the Juan Bautista Baldes Land Grant. Staff reported that in the recent past, an attempted EIN change to recognize the Land Grant's political subdivision status resulted in the Land Grant having difficulty opening a new bank account. This led to the comingling of land grant funds with a private bank account of a board member. Concerns were raised with use of funds and Council staff was asked to review past activity. Staff review found that it was evident that there were fund management issues prior to the first Land Grant-Merced Assistance Fund distribution.

Staff then stated that it appeared a private contractor/manager began working for and assisting the land grant after the Land Grant-Merced Assistance Fund distribution. There were additional concerns raised after seeing some of the billings and purported contract sent to Council staff. It was unclear whether the board collectively approved the contract or if individuals on the board were acting unilaterally. It became unclear if the expenditures were completed properly and followed statutory procurement and expenditures processes. Council staff requested a copy of the Land Grant's annual report to attempt to determine if procurement and expenditure requirements had been met. When Council staff received a copy of the annual report, it was incomplete and missing meeting minutes, indicating that the Land Grant's previously submitted annual report certification was incorrect. Additionally, it was indicated in the email with the annual report attached that the Land Grant keeps meeting minutes in a separate location off-site, which potentially violates the statute, which calls for the annual report to be kept in a public location. Council staff received the incomplete annual report on 9/25/23, with no meeting minutes for FY 2023, rendering the annual report certification submitted incorrect. Subsequently on 9/27/23, Council staff received minutes which only covered the meetings held during FY 2024, not FY 23. In reviewing the provided documents, it appeared that the purported professional service contract for the manager encumbered nearly the entirety of their LGMAF distribution, however their FY 2023 approved budget submitted to DFA only indicated \$20,000 for contract staff. This again raised additional concerns regarding the validity of the professional service contract and whether it had actually been approved by the board of trustees in accordance with statutory requirements. Because of these material issues raised concerns, Council staff could not make the recommendation to the Council to approve the Juan Bautista Baldes Land Grant for a LGMAF distribution. Mr. Archuleta stated the Council staff has been working directly with board of trustees of the Land Grant because questions over validity of contract. Additionally, the land grant has recently held an election (9/10/23), and may need some assistance in learning their statutory and fiduciary responsibilities.

Councilor Padilla proposed that the Council approve Tajique, and not the other land grants in question at this time, since they have met other criteria and are currently working on receiving a

bond. She reiterated the importance of staying up to date with reporting to state agencies, such as DFA. She also holds concern regarding the issues with the Juan Bautista Baldes Land Grant.

Councilor Polaco stated that the Tierra Amarilla Land Grant took the time to complete all necessary requirements, even though it was a struggle and urged that other land grants should do the same to receive their portion of the distribution.

Chairman Sanchez asked Enrique Romero (OAG) for a recommendation on making motions to approve and disapprove land grants for a distribution. Mr. Romero suggested to make a motion to approve all that are compliant, and include Tajique based on the Councilor's comments, and then to make a motion to deny those who are not compliant and include those who the Council decided were not eligible for a distribution. Mr. Romero also reminded the Council of it's statutory charge to determine that land grant-mercedes are assistance qualified to obtain a distribution, and they do this by ensuring that a land grant-merced is in compliance with Chapter 49, Article 1 or Article 4, and other statutory requirements for land grant-mercedes as political sub-divisions.

Councilor Polaco made a motion to approve all land grants that are compliant with all certifications, including the Tajique LG, for a disbursement from LGMAF; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla – aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

Council discussed the multiple notices and outreach attempts completed by Council staff to assist land grants in their eligibility to receive a distribution from the LGMAF. Eligibility requirements for land grants to receive a portion from the LGMAF was also discussed, including the possibility of promulgating a set of formal rules for the Council and land grants to follow in order to distribute and receive LGMAF funds. Council also discussed the need for additional training and the use of Council staff as a resource for helping reach compliance.

Councilor Padilla made a motion to deny listing as eligible for a distribution the Juan Bautista Baldés, San Agustín, San Miguel del Bado, Santo Domingo de Cundiyó, Cebolleta for having failed to comply with requirements of the Land Grant-Merced Assistance Fund; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla – aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

After the motion was made, it was determined that there are 17 compliant land grants who will receive a distribution this year, with 13 land grants receiving a full distribution at \$97,960 and 4 land grants receiving a 75% distribution at \$73,470.

Council staff has drafted acceptance and denial letters (in packet) to send to eligible and ineligible land grants.

**12. Discussion and Possible Action on Loan Funding for Land Grant Land Acquisitions – Including NMFA Public Purpose Revolving Loan Fund**

A possible loan through the New Mexico Mortgage and Finance Authority for the Manzano Land Grant is still pending.

Council staff would like to set up a meeting with DFA and other appropriate parties to discuss the possibility of a loan fund.

**13. Discussion and Possible Action on Council FY 2024 Budgets**

The contract has still not been approved at this time.

**14. Discussion and Possible Action UNM Intergovernmental Services Agreement – Including Approval of FY 2024 Contract**

The IGSA (in packet) has been reviewed by Enrique Romero (OAG). He has recommended some minor changes and the agreement still needs to be approved by UNM.

Councilor Padilla made a motion to approve the FY 2024 IGSA, with minor revisions, and to give Chairman Juan Sánchez permission to sign the contract; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla – aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

Council staff and members also discussed purchasing a series of Quickbook trainings offered by Checks and Balances for You, LLC to assist land grants in learning the program for budgetary use.

Councilor Polaco made a motion to approve the scope of work and compensation for Quickbooks trainings offered by Checks and Balances for You, LLC for \$15,000; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla – aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

**15. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests**

The scope of work for the Professional Surveyor Services Contract was presented by Council staff. This will include the continuation of the surveying services for Town of Tajique, Santa Bárbara, Tierra Amarilla and San Joaquin del Rio de Chama Land Grants.

Councilor Polaco made a motion to approve the scope of work and contract with Territorial Land Surveying for \$41,000.00; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla – aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

There was discussion regarding surveying requests from the Arroyo Hondo Arriba Community Land Grant and the Manzano Land Grant.

Councilor Padilla made a motion to approve Chris Chávez of Territorial Land Surveying work with the UNM Natural Resource and Environmental Law Clinic on the Manzano and Arroyo Hondo Arriba Community Land Grant cases; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla – aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

**16. Discussion and Possible Action on Legal Services Contract Update & Requests – Including Approval of Contract Scope of Work, Arroyo Hondo Arriba & Cristóbal de la Serna Land Grants Requests**

The FY 2024 contract with New Mexico Legal Aid is at DFA and the Council only needs to approval the scope of work with NMLA. The scope of work is consistent with past contracts and the hourly rate is increasing to \$150.00.

Councilor Polaco made a motion to approve the contract with New Mexico Legal Aid for \$60,000.00 at an hourly rate of \$150.00; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla – aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

Councilor Polaco made a motion to approve the Arroyo Hondo Arriba Community Land Grant's request for legal services; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla – aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

Councilor Padilla made a motion to approve the Cristóbal de la Serna Land Grant's request for legal services; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla – aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

The Juan Bautista Baldes case is coming to a close. The final order will be sent to the court soon.

### **17. Discussion and Possible Action on Land Grant Registry Update**

Jacobo Baca reported that the following items were received by the Council to the NM Land Grant Registry.

- Anton Chico Land Grant - results of 2021 and 2023 elections and current board
- Cubero Land Grant - election results and board membership
- Las Trampas Land Grant - bylaws, board membership and other records
- Juan Bautista Baldes Land Grant – results of September 2023 election

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

The LGSP released its August-September Newsletter (in packet). LGSP continues in planning discussions with NMHU regarding the Acequia and Land Grant Education project.

### **19. Discussion and Possible Action on Correspondence**

The Council received a letter from Representative Miguel García, explaining the Land Grant Merced Assistance Fund, inquiring if the new land grants were receiving distributions and asked if the Council discouraged land grants from hiring their own staff. A response letter is drafted and appears in the packet. The Council will send the letter but may also ask for a meeting with Representative Garcia, who has committed to using his junior money to fund land grants to hire staff. Councilors discussed that this is difficult, as junior monies only last one year, which provides only brief assistance. Some land grants receiving junior money have not requested the funding nor the projects and this has affected its disbursement from the LGAMF. Junior monies are also used on an reimbursement rather than an disbursement basis, so land grants must have enough money in their coffers to utilize the junior money.

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

None.

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

Jason Quintana reported that the Manzano Land Grant has installed a sign on their community center.

### **22. Miscellaneous Announcements**

Anissa Baca reported that the schedule for reporting capital outlay expenditures on the BFM, which is replacing CPMS, has changes as land grants now report quarterly rather than monthly (see packet). Chairman Sanchez reported that capital outlay forms are now available online and stated that Anissa Baca can help with completing requests. Mr. Archuleta reported that there are changes in budget reporting and Greta Archuleta has sent e-mails informing land grants of these changes.

### **23. Date and Location for October Council Meeting**

The next Council meeting will take place on October 20, 2023 at 10:00am in Albuquerque, NM, location to be determined.

## **24. Adjournment**

Councilor Polaco made a motion to adjourn; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla – aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 1:25pm MDT.

**Approved:**

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Chair

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Date