

New Mexico Land Grant Council (NMLGC)  
Special Council Meeting  
July 20<sup>th</sup> 2011 10:00 am  
University of New Mexico Land Grant Studies Program  
Southwest Hispanic Research Center  
1829 Sigma Chi Road  
Albuquerque, NM

**Minutes**

**SPECIAL COUNCIL MEETING BUDGET 2013**

**Call to order Roll Call**

Council Chair Juan Sánchez called the meeting to order at approximately 10:15am. Roll of the Council was taken: Council Members Juan Sánchez, Rita Padilla-Gutierrez, Leonard Martinez, and Macario Griego were present; Council member Lee Maestas was absent.

**Approval of Agenda**

Council Member Macario Griego moved with a second by Council Member Rita Padilla-Gutierrez that the agenda be approved as presented. Motion passed unanimously.

**Approval of Meeting Minutes from the July 8<sup>th</sup> 2011 Council Meeting**

Council Member Macario Griego moved with a second by Council Member Rita Padilla-Gutierrez to approve the Minutes from the July 8, 2011 Council meeting. Motion passed unanimously.

**Introduction of Attendees**

Dr. Manuel Garcia y Griego (UNM Land grants Studies), Arturo Archuleta (UNM Land Grant Studies), Anna Rael-DeLay (Sen. Tom Udall's Office), Alexandra Martinez (UNM Land Grant Studies), Elaine Lujan, Attorney Generals' Office.

**Discussion and Action on New Mexico Land Grant Council Budget FY 2013**

Prior to discussion on Budget FY 2013, Elaine Lujan from the Attorney Generals' Office clarified that, following up on discussion from the previous meeting, the NMLGC was "administratively attached" to DFA by law and only the legislature could change the status of the Council in that respect.

Arturo Archuleta clarified that Local Government Staff posed two scenarios regarding the Council's budget process for subsequent years: (1) be treated as part of the Local Government Division's Annual Budget preparation, which requires following the detailed performance measures employed by the Division or (2) while the Council would remain administratively attached to DFA (as required by law) its budget would be considered separately as a "Special Program Budget" treated as a line item by the Legislature.

In any case the FY 2012 budget must be presented to DFA by September 1, 2011.

Council Member Leonard Martinez stated that the Council should write an MOU on how to proceed with DFA in conducting business for the Council; the Council members voiced agreement.

Elaine Lujan cited State Law (Provision 9-6-5) which describes the duties of the Secretary of DFA which reads “The Secretary of DFA shall (B9) provide cooperation at the request of heads of administratively attached agencies and adjunct agencies in order to resolve by agreement the manner and extent to which the Department shall provide budgeting, record keeping and related clerical assistance to administratively attached agencies”.

Elaine Lujan explained that record keeping is important in relation to the Inspection of Public Records, maintaining records for certain time.

With this legal clarification, various points of interest were recommended for the MOU between the Council and DFA. An administrative fee of \$10,000 will be included in the FY 2013 NMLGC budget for DFA’s services.

### **NMLGC BUDGET FY 2013**

Council Chair Juan Sánchez expressed that the current proposed FY2013 budget of \$200,000 requires more detail than at present and some re-allocations need to be decided at this time. (The proposed budget was developed by a committee of Council Chair Juan Sánchez and Council Member Leonard Martinez.) Council Chair Juan Sánchez stated that the Council will fight for the \$200,000 for FY 2013 and the goal is to have re-occurring funds. He also added that part of the Council’s obligation is to continue to raise awareness among legislators on the importance of land grants. (What follows is a summary of the discussion on specific line items.)

#### ***Administration - \$30,000***

The first item discussed under administration was *mileage and per diem*. Council Chair Juan Sánchez noted that the Council spent \$33,000 two years. Each Council member receives \$95 a day for per diem plus 40 cents a mile for mileage. This brings the cost for each meeting to approximately \$815. Dr. Garcia y Griego pointed out that for \$14,000 the Council could conduct 12 regular meetings and 5 special meetings.

#### ***Legal Notices for Meetings - \$1,000***

Council Chair Juan Sánchez explained that the Council spent \$1270 toward legal meeting notices for NMLG Council meetings with the Albuquerque Journal during a two year period, paying about \$87 for each meeting. Recent notices have been shorter and have cost about \$40 per meeting notice. Dr. Garcia y Griego recommended an allocation \$1000 which should be sufficient to cover 17 meetings.

#### ***Administrative Fee for DFA - \$10,000***

Arturo Archuleta clarified that the NMLG Council did ask staff members from DFA for an amount for an administrative fee that would cover service for the Council by the DFA; the Council has not heard from DFA on this matter. The discussion focused on a 5% allocation of the total, which places the amount at \$10,000. The object should be to have DFA be responsible

for any services related to and in support of requirements associated with the Open Meetings Act and the Inspection of Public Records and at minimum DFA should hold the NMLG Council's official records, issue checks and carry out reimbursement services to the Council. For FY 2013 and later, the goal should be for DFA to handle meeting advertisement and provide space for NMLG personnel. The Council agreed to allocate a \$10,000 administrative fee for DFA.

***Supplies/ Printing \$15,000***

The discussion focused on the fact that supplies cost will vary greatly depending on the future staffing situation. Equipment (computer, software, paper, printing and misc.) will be needed if Council staff is hired to continue the services needed by the Council. Since copies of the governance handbook have been printed, an update won't be needed for perhaps two years. Printing costs are envisioned to be a small part of the total. The consensus focused on a final amount of \$15,000.

***Land Grant Support Fund - \$40,000***

Council Chair Juan Sánchez stated that of \$58,000 was allocated last year for this purpose and only \$1500 was reverted back to the state. The Land Grant Support Fund served eight Land Grants, one-third of the units of government. Discussion focused on the need to maintain the land grant support fund, though at a lower amount than last year, when other expenses could be covered with stimulus funds, and the consensus amount settled on was \$40,000.

***Personnel and Contract Work - \$85,000***

Arturo Archuleta opened by asking Elaine Lujan for input about how the Council works with Attorney General's Office since the Council is desirous of a continued working relationship with that office given the legal challenges of land grants and the unfunded Treaty of Guadalupe Hidalgo Division. Elaine clarified that by law the Attorney General's Office is required to assist state agencies without reimbursement. She stated that they are statutory attorneys advising Council on what their authority is – any other legal advice like personnel would require an in-house attorney.

Council Chair Juan Sánchez refers to the Guadalupe-Hidalgo Division which was created in 2004 by the Attorney Generals' Office but not funded. He asked Elaine Lujan for input on the possibility to contract with the Attorney Generals' Office, allowing for a part-time attorney to staff the Guadalupe-Hidalgo Division. The allocated amount of \$30,000 for legal (under personnel / contracts) could be transferred to the Attorney Generals' Office. Council Chair Juan Sánchez suggested the Council create an MOU with the Attorney Generals' Office for this partnership.

Elaine Lujan will look into the possibility. Council Member Rita Padilla-Gutierrez states this is a sign of beginning to fund this division and it would be helpful for the Council to be represented by an attorney who could offer legal testimony with the American Bar Association, conduct treaty analysis and research and also represent the Council in Congressional testimony.

Dr. Garcia y Griego added that a legal staff member for the Council would be instrumental in adjudication of land grants and those not adjudicated – this range of work could require research.

***(b) Mapping and Case Development 30,000***

Dr. Garcia y Griego explained that the mapping project as previously described should be completed by September 30, 2011. A map of historic and patented boundaries, along with technical notes, should be available for all land grants that are units of government. He notes that some maps will be further developed than others. All have relied on sources available in the archives and on-line; some have been supplemented with information from land grant heirs. The next step is to conduct GPS field work on individual land grants. Part of the \$30,000 would be to cover the hiring of 1 -2 graduate students to engage in the GPS field work and archival research.

***(c) Technical Assistance to the Council \$50,000***

Arturo Archuleta presented a summary of what is needed in terms of technical assistance for the NMLG Council. This category would need to provide administration of the Land Grant Support Fund, working with individual land grant applications, process reviews and recommendations to Council. Other items may include drafting agendas for meetings, recording the meetings, and keeping the minutes. As stated previously, DFA will be asked in the MOU to advertise the meetings. Technical Assistance will include the coordination of the NMLG Council's activities/responsibilities with DFA and the Attorney Generals' Office. Under this category, the Council will need administrative support in drafting correspondence to government entities. Also needed is the administration of EDA grants, including reporting and reimbursements. The New Mexico Council of Governments could play a role in partnering with the Council to administer the grants although the Council would still need someone to administer the programs.

Arturo Archuleta added that technical assistance will continue to be needed for the Council's MOU with the Forest Service; this service will be needed beyond September 30, 2011; in addition work needs to be continued with the BLM.

Other areas include policy work at state and federal level. A Council staff member could act as advocate with the New Mexico Legislature. Elaine Lujan clarified that the Council cannot legally hire a lobbyist at the state level but a lobbyist is allowed at the federal level.

***Technical Assistance to individual Land grants***

Arturo Archuleta explained that the trainings that are currently being conducted could continue but without the current resources, cannot continue as frequently. Council Chair Juan Sánchez stated the importance of day-to-day assistance for individual land grants. Other technical assistance to individual land grants include assistance with budgets, the ICIP, audit requirements, financial reporting, elections, procurement, and general compliance with the statutes. In addition, long term resource management is important for each land grant; someone who could help land grants with writing and administering grants. Technical assistance should include someone who works on funding options for land grants, outside of legislative funds.

***Out of State Travel \$10,000***

Council Chair Juan Sánchez stated that the last budget allotted \$33,270. for out-of-state travel for two years. For FY2013, Council Members agreed that \$10,000 would cover this need for one year.

### ***Final additions / amendments for the Budget FY2013***

Council Chair Juan Sánchez suggested an addition to the MOU. The DFA should be named the custodian of the registry of land grants, once legislation is adopted transferring the registry from the Secretary of State. He added that the NMLG Council would be responsible to update the records.

Also, the Council needs to prepare a report to the Governor and the Legislature by December 1, 2011, required by 49-11-3 NMSA 1978. At the July Interim Committee meeting in Abiquiu it was suggested that the Legislative Council Services invite DFA, Local Government to give testimony about the NMLG Council at the Interim Committee meeting to be held on Oct 17, 2011.

With no further discussion or questions, Council member Leonard Martinez moved with a second by Council member Rita Padilla-Gutierrez to approve the NMLG Council Budget FY 2013. Motion passed unanimously.

### **Current Budget of the UNM Mapping and Technical Assistance Project**

Dr. Garcia y Griego stated that DFA requested a plan that demonstrated how the current ARRA budget managed by UNM would be spent by September 30, 2011. He circulated a two-page proposal for these expenditures and asked the Council for approval for certain re-allocations in the UNM Budget within the total budget and for approval to submit this as a spending plan.

Dr. Garcia y Griego stated that bolded figures on the right column may fluctuate, depending on other variables (hours, printing cost etc.).

**Technical Assistance** is allocated \$125,000; Dr. Garcia y Griego expects to spend about \$114,000 but recommends approval of a range between \$100,000 and \$125,000.

For **in-state travel**, UNM has spent \$1061 through June 30, 2011. Dr Garcia y Griego proposed \$1,000 for the rest of the quarter; this item covers travel costs for technical assistance to and from meetings and trainings. **Printing** is estimated at \$6500.

On second page, **land grant seals** are allocated \$5000. This is a statutory requirement and Alexandra Martinez is currently working with land grants to get designs. The allocation will vary depending on response from land grants.

**Website development** is allocated \$2500. Dr. Garcia recommends that it be added to the budget. To allow this; he recommends reducing the workshop logistics to \$6500. Dr. Garcia y Griego recommends increasing website development to an allocation of \$10,000, stating that the average cost of website development cost can vary up to \$10,000.

**Mapping** is allocated \$55,000 and Dr. Garcia y Griego asks the Council to approve an increase in the range of \$66,000 - \$67,000. This covers both mapping and case development. Most of this item is to cover student salaries.

For the last item, Dr. Garcia y Griego requested that \$4,000 be allocated to cover a planning conference for assessment of United States vs. Sandoval. Most of the invitees are local scholars but there are some who will come from out of state.

Council Chair Juan asks for motion to approve modifications to the UNM Budget.

With no further discussion or questions, Council member Macario Griego moved with a second by Council member Rita Padilla-Gutierrez to approve the UNM Budget modifications. Motion passed unanimously.

**Public Comments**

(There were no comments at this point of the agenda.)

**Other Business**

(None discussed.)

**Date for next Council meeting**

Next Meeting will be scheduled for August 19, 2011 at 10:00am at the University of New Mexico's Southwest Hispanic Research Institute, 1829 Sigma Chi Road NE, Albuquerque, NM 87106.

**Adjournment**

Council member Macario Griego moved with a second by Council member Rita Padilla-Gutierrez to adjourn. Motion passed unanimously. The NMLGC adjourned at approximately 1:30 pm.

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Chair

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Date