

New Mexico Land Grant Council (NMLGC)  
Council Meeting  
July 8<sup>th</sup> 2011 10:00 am  
University of New Mexico,  
Southwest Hispanic Research Institute,  
1829 Sigma Chi Road NE  
Albuquerque, NM 87106  
Minutes

## **COUNCIL MEETING**

### **Call to order**

Council Chair Juan Sanchez called the meeting to order at approximately 10:18am. Roll of the Council was taken: Council members Juan Sanchez, Rita Padilla-Gutierrez, Leonard Martinez, and Macario Griego were present; Council member Lee Maestas was absent. DFA staff member Alyssa Sanchez and Elaine Lujan, Attorney Generals Office were also in attendance.

Guests include: Dr. Manual Garcia y Griego, Gilbert Ferran, Jerome Padilla, Charles DuMars, Arturo Archuleta, Cathy Sanchez, Jolene Slowen, and Sam Ojinaga.

### **Approval of Agenda**

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

### **Approval of Meeting Minutes from the June 24<sup>th</sup> 2011 Council Meeting**

Council member Leonard Martinez moved with a second by Council member Macario Griego that the Minutes from the June 24<sup>th</sup> 2011 Council meeting be approved as presented. Motion passed unanimously.

### **Discussion and Action on the Amicus brief Cebolleta et al versus NM Cultural Properties Review Committee et al**

Charles DuMars presented to the NMLGC the Amicus brief and requested some input from the NMLGC in regards to the use of the word heirs versus a governing body. This is an opportunity to educate the courts on Land Grants. The correct use of terminology is important as an entity in order to clarify that rights have been eliminated. Current law from the 2011 Legislative session is not retroactive. Land grants have private property that has been protected since the Treaty of Guadalupe Hidalgo. The approach on the Amicus brief is to first use all the case law which supports that land grants are private property, and then demonstrate Legislative intent. Inputs from Council Chair Juan Sanchez and Arturo Archuleta are to use the statute language which states the land grant governing body manages the land for the heirs and to use the term "Board of Trustees". After further discussion and inputs from the NMLGC; Charles DuMars stated he will do the following in the Amicus brief: "Use the term "board of trustees", provide an emphasis on the meaning of the statute and subsequent statute."

The final version of the Amicus brief is dependent on the Cebolleta and Acequia reviews and inputs.

### **Discussion and Action on Federal and State Legislation**

Arturo Archuleta presented to the NMLGC his comments, suggested changes, and language on the draft Federal Legislation for a set aside from the USDA. Arturo reviewed these comments with the NMLGC which will be reviewed by the NMLGC and discussed with action at the next meeting. The current funding amount on the draft bill is 10 million which may be an adequate amount for the land grants based on the current capacity and needs of land grants; however, this figure will need to be discussed and decided on by the NMLGC. The draft bill is currently written with a split up of the 10 million between programs which would be determined by the USDA Secretary; this should be discussed with the delegation and should be tied to the consumer price index to adjust for inflation.

Also presented was the research Arturo conducted on other federal funding sources that can be used for land grants in New Mexico or for the NMLGC to continue to provide the technical assistance.

NMLGC Chair Juan Sanchez provided an update on the Federal Tribal Forest Protection Act; it is being worked on and should be available by the August meeting for review and approval.

On the State level; NMLGC Chair Juan Sanchez provided an update on the NM Interim Land Grant Committee which held a meeting on June 15<sup>th</sup>. During the meeting the Committee approved their work plan and meeting schedule. The meeting schedule is: July 28<sup>th</sup> - July 29<sup>th</sup> in Abiquiu; August 25<sup>th</sup> - 26<sup>th</sup> in Cebolleta; October 18<sup>th</sup> - 19<sup>th</sup> in Canon de Carnue (dependent on approval of travel outside of Santa Fe); and November 21<sup>st</sup> in Santa Fe.

### **Discussion and Action on Land Grant Budget, Contracts, and Grant Agreements**

NMLGC Chair Juan Sanchez presented to the NMLGC a report from the FY2013 Budget subcommittee. The subcommittee's recommendation is \$200,000 for funding administrative costs (including a DFA admin fee of 5% based on inputs from DFA Jeanette Gallegos), support fund, contracts, and out of state travel for the NMLGC.

Arturo Archuleta provided a summary of the meeting held with David Abbey (LFC) to the NMLGC. The purpose of the meeting was to provide David with the history of the NMLGC and help him understand the intent of the funding request. In preparation for the meeting a report was created which provides an overview of what has been accomplished by the NMLGC since its inception. His recommendation is for the NMLGC to appear and present at the LFC hearing in November in conjunction with DFA. It would not be the same presentation but since the NMLGC is administratively attached to DFA the NMLGC should be presented right after DFA. LFC may not recommend it for funding but it does not mean it will not be funded. Inputs from Gilbert Ferran are that his conversations with David Abbey have been positive.

Inputs from Sam Ojinaga (DFA) are that the budget requirements are to be flat; budget should be tied to deliverables/performance measures which are due to DFA ASD on July 13<sup>th</sup> then the budget is due to DFA Secretary May on August 6<sup>th</sup>. Several questions were asked about the deliverable/performance measures requirement with an example provided by Sam Ojinaga. If the NMLGC chooses to be a nonoperating item in the budget it will not need deliverables/performance measures. Jolene Slown (DFA) will send a template of the deliverables/performance measures and requirements on what needs to be submitted to ASD on

July 13<sup>th</sup>. Sam Ojinaga assured the NMLGC that DFA will accept the Budget and deliverable/performance measures (if this is the path the NMLGC chooses) from the NMLGC and to not worry of the July 13<sup>th</sup> deadline. The Executive branch will have to accept it. Jolene Slown will also contact the State Personnel Office to get direction on whether or not the NMLGC can hire state personnel for staff.

Arturo Archuleta recommended for the NMLGC to hold a special meeting to create the deliverables/performance measures and budget to be submitted to DFA prior to August 1<sup>st</sup>; since the goal of the NMLGC is be a DFA reoccurring budget item.

Council member Macario Griego moved with a second by Council member Rita Padilla-Gutierrez to hold a special meeting to discuss the NMLGC budget on July 20<sup>th</sup> at 10am at the University of New Mexico Southwest Hispanic Research Institute, 1829 Sigma Chi Road NE. Motion passed unanimously.

### **Discussion and Action on University of New Mexico Mapping and Technical Assistance Project**

Council member Rita Padilla-Gutierrez moved with a second by Council member Leonard Martinez to table this agenda item. Motion passed unanimously.

### **Public Comments**

#### **Other Business**

Jerome Padilla informed the NMLGC and audience of the Town of Atrisco Board of Trustees election on July 19<sup>th</sup>.

Council Member Leonard Martinez informed the NMLGC and audience of the San Joaquin de Rio de Chama Annual meeting on August 6<sup>th</sup>.

Council Chair Juan Sanchez provided an update on the American Bar Association (ABA) testimony that Juan Sanchez, Leonard Martinez, Arturo Archuleta, and Dr. Manual Garcia y Griego provided in Austin Texas on June 29<sup>th</sup>. The testimony included historical information, concluded the testimony provided at the San Francisco hearing in January, and requested the ABA to include to recommendation from the San Francisco testimony in its final report. These recommendations will be taken into consideration. One final hearing is scheduled, then the ABA report will begin to be drafted which should be complete sometime in 2012 which will be presented to the President. After the hearing Land Grant representatives met with Pedro Garza, the Southwest Regional Director of the Economic Development of US Department of Commerce. Pedro pledged to provide funding to the NMLGC beginning in the fall and requested for the NMLGC to provide a proposal to him by the end of June.

#### **Date for next Council meeting**

There will be a special meeting on July 20<sup>th</sup> in Albuquerque at 10am.

The next regular meeting is scheduled for August 19<sup>th</sup> in Albuquerque at 10am.

#### **Adjournment**

Council member Rita Padilla-Gutierrez moved with a second by Council member Macario Griego to adjourn. Motion passed unanimously. The NMLGC adjourned at approximately 1:23pm.

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Chair

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Date