

BY-LAWS  
OF THE CAÑÓN DE CARNUÉ LAND GRANT / MERCED DEL CAÑÓN DE CARNUÉ

Last amended: 13 June 2010

These are the official by-laws of the Cañón de Carnué Land Grant / Merced del Cañón de Carnué ("Land Grant") ; they supersede any by-laws previously adopted by or for the land grant.

**I. LOCATION OF OFFICE**

The principal office of the Cañón de Carnué Land Grant in the State of New Mexico shall be located at 364 East Highway 66 in the Cañón de Carnué Land Grant, County of Bernalillo.

**II. LAND GRANT MEMBERS AND ELIGIBILITY TO VOTE**

A. Qualifications and voter registration

1. A person is a member of the Merced del Cañón de Carnué if s/he meets the by-laws definition of an heir, is 18 years old or older, and meets the eligibility criteria to vote in land grant elections.
  - a. By-laws definition of an heir. A person who is a descendant of one of the petitioners of the 1763 Land Grant or one of the 1819 petitioners of the Land Grant and who had one or more ancestors reside within the historic boundaries of the 1819 Land Grant at any time between 1900 and 1930. The Board of Trustees is empowered to establish rules on how to evaluate documentation of inheritance and residence of ancestors.
  - b. Eligibility to vote in a Land Grant election. Any person who can demonstrate that s/he has a Land Grant-issued unexpired identification card is eligible to vote. Any person who does not may register to vote by presenting evidence that s/he (1) meets the by-laws definition of an heir; (2) has attended two (2) or more board meetings during the previous twelve (12) months; and (3) is 18 years old or older. Heirs who are disabled or 70 years old or older are exempted from the requirement to attend two board meetings during the previous twelve months.
2. In order to register to vote a person submits evidence of eligibility to vote to a member of the Board of Trustees, who will receive confirmation of voter registration. Only registered voters receive a Land Grant membership card. Voter registration is closed during the fifteen (15) calendar days before any land grant election, or as specified under state law.

**III. BOARD OF TRUSTEES**

A. General Powers

The management and control of the Cañón de Carnué Land Grant, also known as the Merced del Cañón de Carnué shall be vested in the Board of Trustees of the Cañón de Carnué Land Grant and said Board shall have the following general powers:

1. To control, care for and manage the said grant and real estate, to prescribe the terms and conditions under which the common lands thereof may be used and enjoyed, and to make all necessary and proper rules and regulations for the governing thereof.
2. To sue and be sued under the title aforesaid.
3. To lease, or mortgage real estate under its control as is held in common in accordance with these By-Laws.
4. To adopt and use an official seal.
5. To appoint judges and clerks of elections at all elections herein provided for, and to canvass the votes cast there at.

6. The Board of Trustees of the Cañón de Carnué Land Grant shall serve also as the sole and entire Board of Directors of the Cañón de Carnué Land Grant Heirs Association (“Heirs Association). No member of the Board of Directors of the Heirs Association may be elected or appointed who is not first elected or appointed, under the terms specified in these By-Laws, as a member of the Board of Trustees of the Cañón de Carnué Land Grant. The Board of Directors of the Cañón de Carnué Land Grant Heirs Association shall operate under its own By-Laws for the purpose of carrying out social, educational, and charitable activities.

#### B. Members of the Board of Trustees of the Land Grant - Qualifications and Election

1. The Board of Trustees of the Land Grant shall consist of five (5) members who have interest in said grant by inheritance; are eligible to vote; and meet the requirements to be candidate to be elected to the Board.
  - a. Requirements of candidates. Candidates must be eligible to vote and not be in default of any dues, rent, or payment to the Land Grant.
  - b. Filing for candidacy. In order to appear on the ballot, a candidate must submit a letter of intention to be mailed via U.S. mail, or submitted in person to the Board at one of its meetings, by a date specified via public notice by the Board. The Board may also permit filing electronically if it so indicates in its public notice. The deadline for filing shall be in accordance with Chapter 49-1-5 NMSA 1978, as amended.
  - c. Appointment to Members of the Board of Trustees. The Board may appoint a board member in the absence of the election of a qualified member of the Board or as the result of a resignation from the Board. The Board must appoint someone who meets the requirements of a candidate at the time of appointment, and shall serve for the remainder of the unexpired term of the Board vacancy.
  - d. Terms of office. Board members shall serve for four-year terms, or from the time of election to the board election held before June 30 in the fourth year of their term. Board members serve staggered terms, with two board members elected in 2010 and three board members elected in 2012.
2. Elections to the Board of Trustees shall be held on the day of the April Board meeting, unless there are fewer than three voting members eligible to file for candidacy at the time of a February board meeting, in which case the election may be postponed but must be held no later than June 30 of the election year. The Board shall announce the postponement no later than at a March Board meeting.
  - a. Public notice. Public notice of filing requirements and deadlines, the ending date for voter registration, and the location and times that polls will be open on election day will be made in accordance with 49-1-4, 49-1-5, 49-1-7, and 49-1-8 of the NMSA 1978, as amended.
  - b. Canvassing committee to oversee election. The Board of Trustees shall appoint a canvassing committee of a judge and one or more clerks to oversee said election, and shall fix the compensation of said judge and clerks in accordance with 49-1-7 of the NMSA 1978, as amended.

#### C. Organization and duties of the Board of Trustees

1. The authority of outgoing Board members who have not resigned and were not re-elected ends when the Canvassing Committee announces its results. Outgoing Board members are responsible for returning equipment, files, documents, and any other property of the Land Grant to the Board at the time of resignation or no later than election day when they

are replaced. The authority of incoming Board members to deliberate or act as a member of the Board begins when the Canvassing Committee announces its results.

2. At the first Board meeting after the election, to be held no later than 45 days after the election, the members of the Board shall choose the officers from among themselves by a majority vote, starting with the President, and continuing with the other titled officers of the Board.
3. The Board of Trustees shall adopt an open meetings resolution no later than February of each year, specifying the date, time, and location of its regular and special meetings, and the method of posting public notice, in conformity with the Open Meetings Act of the State of New Mexico. Minutes of meetings shall be made available for approval at the next meeting of the board, and shall be available for public inspection.
  - a. Quorum. A majority of the Board of Trustees shall constitute a quorum.
  - b. Public disclosure. All meetings of the Board of Trustees shall be public and all heirs of the land grant have a right to be present at all meetings and to be heard on all matters. However, the Board may hold executive sessions, consistent with its open meetings resolution in accordance with state law. The Board shall no later than February of each year make public a report of its activities and transactions during the previous calendar year.
  - c. Failure or refusal to perform. Any member of the Board of Trustees who shall fail or refuse to perform any of the duties required of her/him by the Board of Trustees, under the laws of New Mexico, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25.00 nor more than \$100.00 or by imprisonment in the county jail for a period of not less than thirty (30) days nor more than ninety (90) days, or both, at the discretion of the court.
  - d. Conflicts of interest and nepotism. No Trustee nor immediate family member of a Trustee shall be permitted to lease and/or buy/sell land from or to the land grant while in office, or up to two years after resigning or concluding her/his term of office.
  - e. Inspection of records. The Board shall keep permanent and legible records, either on paper or electronically, which shall be made available for inspection to any heir upon request.
  - f. Expenditures. Board members may be reimbursed for cash expenditures on behalf of the land grant upon presentation of an original receipt up to \$150.00.
4. The Board of Trustees shall consist of four officers and a Board member without title.
  - a. President. The President shall be the principal executive officer of the Board and, subject to the control of the Board of Trustees, shall in general supervise the affairs of the Land Grant. When present, the President shall preside at all meetings and may only vote to break a tie. S/he may sign, with the Secretary or any other Trustee authorized by the Board, any deeds, mortgages, contracts or other instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or by these By-Laws to some other officer or agent of the Land Grant, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties incident to the office President and such other duties as may be prescribed by the Board from time to time.
  - b. Vice-President. The Vice President shall perform the duties of President in the absence of the President or in the event of her/his death, inability or refusal to act, and when so

acting, shall have the powers of and be subject to all the restrictions upon the President. The Vice-President shall perform such other duties as from time to time may be assigned by the President or by the Board.

- c. Secretary. The Secretary shall keep the minutes of the meetings of the Board, see that all notices are duly given, that the land grant website is maintained, be custodian of the land grant records, and in general perform all duties as from time to time may be assigned to her/him by the President or the Board.
- d. Treasurer. The Treasurer shall have charge and custody of and be responsible for all funds and securities of the Land Grant, receive and give receipts for monies due and payable to the Land Grant from any source whatsoever and deposit it in such banks as shall be elected, prepare or have prepared quarterly and annual filings of budgets and financial reports to the State of New Mexico, and in general perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to her/him by the President or by the Board of Trustees. Any expenditure beyond the normal course of business of over \$1,000.00 (one thousand dollars) must be approved in advance by the Board of Trustees at a regular or special meeting. No funds will be expended except by written check requiring signatures of the president and treasurer.
- e. Board member. The Board member shall have the same voting rights as other board members.
- f. Board insurance. The Land Grant shall provide board insurance.

#### **IV. COMMON LANDS**

No mortgage, or lease alienation of the common lands within the land grant shall take effect unless authorized by a resolution duly adopted by the Board of Trustees after adequate notice to land grant heirs and until after approval of such resolution by the district judge of Bernalillo County, in accordance with state law. No parcel of common lands within the land grant may be sold or conveyed but may be exchanged for a parcel of equivalent value, after the approval of the Board of Trustees and by the district judge of Bernalillo County.

#### **V. AMENDMENTS**

These By-Laws may be altered, amended and/or repealed at an annual, special or regular meeting where a minimum of at least fifteen (15) eligible voters must be present. The notice of such meeting must be made at least thirty (30) days in advance and copies of amendments have been sent out in the notice of such meeting. A majority vote of the Board of Trustees and the eligible voting heirs present is required for the amendment to take effect.