

# MERCED DE SANTO TOMÁS APÓSTOL DEL RÍO DE LAS TRAMPAS

## BYLAWS

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(Organized Under the General Provisions of Chapter 49 NMSA 1978)

### ARTICLE I

#### Enabling Legislation for the Organization of the Merced

La Merced de Santo Tomás Apóstol del Río de Las Trampas is enabled as a merced, which is a political subdivision of the State of New Mexico, pursuant to the General Provisions, §§ 49-1-1 to 49-1-22, NMSA 1978.

### ARTICLE II

#### Names, Objects, Purposes and Principal Place of Business

The official name of the merced shall be the "Merced de Santo Tomás Apóstol del Río de Las Trampas" also known as "The Las Trampas Land Grant". Its objects and purposes shall be to identify, determine, acquire and secure the common lands and common waters of the merced; to control, care and manage its properties and resources; to promote the economic development and local infrastructure of its communities; to conduct the comprehensive planning of its properties; to determine the land uses and zoning of the common lands in accordance with the requirements of the State of New Mexico; and to advocate for the health, safety and general welfare of the residents of the merced, to promote among the heirs their common heritage and language; and to support and encourage the education and training of heirs needed to develop the skills necessary to become productive heirs and members of the merced. The principal place of business of the Merced de Santo Tomás Apóstol del Río de Las Trampas will be the offices of the Community Center in Peñasco, New Mexico, or such other places as designated by the Board of Trustees. Its mailing address will be:

Merced de Santo Tomás Apóstol del Río de Las Trampas  
P.O. Box 142  
Chamisal, New Mexico 87521

### **ARTICLE III**

#### **Description of the Boundaries and Historic Communities of the Merced**

In 1751, Juan de Arguello petitioned Governor Thomas Velez Cachupin for a grant for himself and 11 other families. The historic boundaries of the Merced as per the original 1751 Grant were made using geographical landmarks:

“The little canyon of the Rio de San Lorenzo to the mountains on the east; from the Angostura of the river where the arroyo empties into and from the south, and another from the north on the west; from the leagues of the Pueblo of Picuris on the north; the divide where the Canyon de las Entranas and Ojo Sarco called the height of the Ojo Sarco on the south.” The boundaries also included 1640 varas of land granted to the 12 families by Sebastian Martin.

The historic communities, towns, colonies, pueblos, alcaldias or villas of the Merced established before or after the Treaty of Guadalupe Hidalgo are as follows:

Las Trampas, Ojo Sarco, Cañada de los Alamos, Diamante, El Valle, Chamisal y Ojito, and Llano-Santa Barbara.

The Las Trampas Land Grant was submitted to the US Congress in 1859, in accordance with (IAW) the Act of 1854 and the Treaty of Guadalupe-Hidalgo of 1848. It was confirmed as a valid grant on 6 June 1860 (US Patent: Grant #27). After numerous surveys and many modifications, this Grant was finally approved by congress in 1893 at an acreage of 28131.61. See map in Appendix F.

### **ARTICLE IV**

#### **Seal of the Merced**

The Seal of the Merced will have inscribed in it the full name of "Merced de Santo Tomás Apóstol del Río de Las Trampas" and the words "Est. 1751" along with wording, "A Political Subdivision of the State of New Mexico" and a picture of the Las Trampas Church. (See figure 1 Appendix E). The Secretary of the Land Merced shall have custody of the seal.

### **ARTICLE V**

#### **Fiscal Year**

The fiscal year of the Merced shall begin on the 1st day of July of each year and end on June 30 of the following year.

## **ARTICLE VI**

### **Acquisition of Common Lands**

#### **Section 1. Acquisition of Lands from within Historic Boundaries**

It is the policy of the Merced de Santo Tomás Apóstol del Río de Las Trampas to re-acquire lands that become available within the historic boundaries of the Merced, and which were lost or removed from the common lands of the Land-Grant-Merced since the Treaty of Guadalupe Hidalgo for any reason whatsoever.

#### **Section 2. Acquisition of Lands within Patented Boundaries**

It is the policy of the Merced de Santo Tomás Apóstol del Río de Las Trampas to re-acquire patented lands that become available within the patented boundaries of the Merced, and which were lost or removed from the common lands of the Merced since being patented by the United States Federal government for any reason whatsoever.

#### **Section 3. Promotion, Re-establishment and Protection of Historic Land Grant Communities**

It is the policy of the Merced de Santo Tomás Apóstol del Río de Las Trampas to promote and protect existing historic land grant communities and to re-establish and protect former historic land grant communities which have survived within or have been lost from the Land-Grant Merced since the Treaty of Guadalupe Hidalgo.

## **ARTICLE VII**

### **Control, Care and Management of the Common Lands and Common Waters**

It is the policy of the Merced de Santo Tomás Apóstol del Río de Las Trampas to control, care and manage the common lands in a sustainable manner so that future generations of land grant members can enjoy, use and protect these lands in perpetuity.

The common lands of the Merced include those historic, traditional and customary uses of land allowed by the laws of the State of New Mexico, including those identified in the Kearny Code and subject to the protection of the Constitution of the State of New Mexico, Article II, Bill of Rights, Section 5, "Rights under Treaty of Guadalupe Hidalgo preserved".

It is the policy of the Merced de Santo Tomás Apóstol del Río de Las Trampas to control, care and manage the common waters in a sustainable manner so that future generations of land grant members can enjoy, use and protect these waters in perpetuity.

The common waters of the Merced include those historic, traditional and customary uses of waters allowed by the laws of the State of New Mexico, including those identified in the Kearny Code and subject to the protection of the Constitution of the State of New Mexico, Article II, Bill of Rights, Section 5, “Rights under Treaty of Guadalupe Hidalgo preserved”.

Section 1. Conveyance of Common Lands

Common lands cannot be conveyed.

Section 2. Mortgage of Common Lands

Common lands cannot be mortgaged.

Section 3. Lease of Common Lands

Leasing of the common lands is generally limited to those land grant members who can demonstrate capacity and performance to use the leased lands in a sustainable manner, which protects long term this vital resource of the Merced. Leasing to land grant members shall be in accordance with the terms and conditions of the rules and regulations promulgated by the Board of Trustees for that purpose. Leasing to land grant members must be approved by the majority vote of a quorum of the Board of Trustees of the land grant at a regular, special or annual meeting of the Merced.

Leasing of the common lands to non-members of the land grant is only allowed for emergency, critical, vital or community and economic development purposes that directly benefit the health, welfare, safety or socio-economic well-being of the residents and members of the Merced. Leasing to non-members of the land grant for any purpose must be approved by the majority vote of a quorum of the qualified voting members of the land grant at a regular, special or annual meeting of the Merced.

**ARTICLE VIII**

**Planning and Zoning Authority over Common Lands**

The Board of Trustees of the Merced shall exercise as necessary its planning and zoning authority over the common lands of the land grant in order to promote improved long term management of the common lands for the benefit of its members, residents and communities.

Section 1. Comprehensive Management Plan

It is the policy of the Merced that a comprehensive management plan shall be developed before any zoning of the common lands is initiated. The plan shall address all issues which enable the Merced to meet its present and future challenges in protecting the common resources

of its members.

Section 2. Zoning Development and Administration

Upon the adoption of the comprehensive management plan, the Merced may elect to develop and adopt zoning regulations or ordinances that enable the Merced to properly and effectively protect, develop and manage its land resources based on its present and long term goals.

**ARTICLE IX**

**Membership**

Section 1. Membership Application.

Prospective members of the Merced de Santo Tomás Apóstol del Río de Las Trampas must comply, at the minimum, with the § 49-1-1.1 NMSA 1978 definition of "heir".

Section 2. Heir.

A member heir must be a "descendent" of an original grantee of the Merced and must have an interest in the common land of the Merced through inheritance, gift or purchase, as further defined by these Bylaws.

a) The "applicant heir" shall submit a Membership Application/Affidavit of Heirship, a verified Genealogy or other comparable documentation establishing his or her relationship to an original grantee of the Merced, who is identified by name.

b) The "applicant heir" shall submit proof of an interest in the common lands of the Merced, including but not limited to: ownership of patented or fee land within the historic boundaries of the land grant, (option: ownership of real property within the boundaries of the Merced, as those boundaries were confirmed by the Congress of the United States), entitlement to use of profits a prendre, (rights of use of grazing, timber, firewood, rock, sand, gravel, other minerals and surface resources), entitlement to easements of all purposes, water holes, springs, acequias, stock and irrigation tanks, and other tenements or hereditaments.

c) Upon receipt of the above-referenced application and proofs of heirship, the Board of Trustees shall review all documentation and upon finding it sufficient shall accept the heir as a provisional member of the Merced.

d) The provisional member shall be allowed to hold and exercise certain rights and privileges, subject to a final review, acceptance and approval of the application by the Board of Trustees at a future regular, special or annual meeting.

### Section 3. Membership Voting.

Some member heirs may also become "qualified voting members" in their application for membership as provided by these Bylaws. A qualified voting member is an heir who has the following qualifications prescribed below.

- a) Must be at least 18 years of age.
- b) Must be current on their dues.
- c) Cannot vote by Proxy
- d) Cannot vote by Absentee ballot
- e) Cannot early vote

### Section 4. Membership Non-Voting.

Heirs that are not eligible to become qualified voting members, will remain non-voting members of the Merced, until such a time as they may qualify to become voting members as provided by these Bylaws.

### Section 5. Membership Application Approval.

All provisional and permanent applications for membership shall be approved on by the Board of Trustees at any regular, special or annual meeting. Applications for membership in this Merced will be in a form approved and provided by the Board of Trustees. Membership will not be denied because of the applicant's race, color, creed, national origin or sex.

### Section 6. Rights, Privileges and Obligations of Members.

The rights, privileges and obligations of all members of this Merced will be equal, and non-exclusive to those of other members, except for the right to vote in land grant elections.

### Section 7. Voting.

All voting in land grant elections shall be conducted in accordance with the requirements set forth in Article X of these Bylaws and in the General Provisions, §§ 49-1-1 to 49-1-22, NMSA 1978.

## ARTICLE X

### Elections

#### Section 1. Date.

The election for Board of Trustees shall be held in even numbered years on the first Monday in April every two years.

#### Section 2. Election Proclamation & Notice.

At least two months prior to the election the Board of Trustees shall by resolution issue an Election Proclamation, which shall include the following seven elements and serve as the official notice of the election:

- (1) the date on which the election will be held;
- (2) the purpose for which the election is held;
- (3) if positions on the board of trustees are to be filled, the date and time by which declarations of candidacy are to be filed;
- (4) if a question is to be voted upon, the text of that question;
- (5) the location of each polling place in the Merced;
- (6) the hours that each polling place will be open; and
- (7) the date and time of the closing of registration books

The election proclamation and notice shall be given, in Spanish and English, by publication in a newspaper of general circulation within the Merced and by posting of notice in at least 5 public places within the Merced. The Election notice shall be published and posted no more than 45 days and no less than 30 days prior to the election date as designated in the election proclamation.

#### Section 3. Declaration of Candidacy.

Declarations of Candidacy shall be accepted for a period of 10 days after the Election Proclamation has been published and posted. All declarations must be submitted on the tenth day following the publication of the Election Proclamation to the Secretary of the Board of Trustees. The Board of Trustees shall establish the exact location and times when declarations are to be submitted. Declarations of Candidacy must be made on the form prescribed below in Section 4. Candidacy Forms. Once the period for declaration of candidacy ends the board of trustees must review all declarations submitted and verify which of those candidates are eligible to be placed on the ballot. Any candidate wishing to withdraw their candidacy must do so on or before 10 days prior to the date of the election and through use of the Withdrawal of Candidacy Form as prescribed in Section 4. Candidacy Forms.

#### Section 4. Candidacy Forms.

Candidacy forms are in Appendix A.

#### Section 5. Closing of Registration.

Fifteen days prior to the election all registration of new members to the Merced must cease. The registration must remain closed until the Monday following the election in accordance with General Provisions § 49-1-5(C) NMSA 1978. After the close of the registration the Secretary shall prepare the registration books to be used on the day of the election.

#### Section 6. Ballots.

Ballots must include the names of all eligible candidates as well as any questions to be voted on. Candidates will be elected at large and presented on the ballot accordingly. . All ballots shall be of the same size and weight of paper so that one cannot easily be distinguished from next. The total number of ballots produced shall be equal to total number of qualified voting members.

#### Section 7. Use of Provisional Ballots.

Provisional ballots shall be prepared every election of the Merced. Provisional ballots shall be used by any voter that shows up to the polls to vote but does not appear in the official Registration Book kept for the election. Provisional ballots shall be placed in an envelope and the envelope shall be signed by the individual casting the vote. The election judge and Board of Trustees shall investigate and determine whether or not the individual has the right to vote in the current election. If an individual provisional voter is determined to be eligible to vote their ballot shall be removed from the envelope, placed with other ballots cast and counted. The envelope shall be discarded. If an individual provisional voter is determined to be ineligible to vote the envelop containing their ballot shall not be open and shall be discarded.

#### Section 8. Write-in Candidates.

Only candidates that declare their candidacy in accordance with section 3 of this article shall be considered official valid candidates for an election to the board of trustees. There is no process for write-in candidates. Any votes cast for individuals that are not official valid candidates shall be discarded and shall not be counted.

#### Section 9. Ballot Box.

The ballot box to be used for elections held by Merced shall be of sufficient size to hold the expected number of votes to be cast and it shall be locked or closed in a manner that will not allow for any tampering or removal of ballots until the ballots are to be counted.



## Section 10. Election Judge & Clerk.

The board of trustees shall appoint one election judge and at least two election clerks for each polling place. The election judge shall also be present for the canvass of the vote. No person shall be qualified for appointment or service as an election clerk or judge who is a spouse, parent, child, brother or sister of any candidate to be voted for at the election.

## Section 11. Conduct of Election.

All elections held by the Merced shall be conducted in the following manner:

1. Opening the polls: The polls shall be opened for voters at the time and location(s) designated in the election proclamation. Election judges, clerks, the Secretary and the President shall arrive at least 15 minutes prior to opening of the polls.

2. Checking in Voters: Voters shall be checked in before they are given a ballot. Voters shall present their name to the clerk so that they may be located in the official registration book. The voter shall sign next to their name in the registration book. Voter shall then be given a ballot. No person shall vote at the election unless duly registered in the books, and no ballot of any unregistered person shall be counted or canvassed. If a voter does not appear in the official registration book they shall be given a provisional ballot in accordance with Article X, Section 7 of these Bylaws.

3. Casting of ballots: Voters shall place their completed ballot the ballot box. No person shall vote at the election unless duly registered in the books, and no ballot of any unregistered person shall be counted or canvassed.

4. Closing of the polls: Polls shall be closed at the time designated in the election proclamation. No voter shall be allowed to vote after the polls have closed.

5. Counting of Votes: The Election Judge and Clerks shall begin counting votes immediately after the polls have been closed. Prior to counting the ballots in the ballot box the clerks shall count the total number of voters that signed the registration book. Any provisional voters whose vote is determined allowable should be added to the total voters that signed the registration. The election judge shall verify the total number of voters that signed in. Next the total number of ballots cast shall to be counted, including eligible provisional ballots. The total number of ballots cast shall be equal to the total number of voters that signed the official registration plus the total number of any eligible provisional voters. The election judge shall verify to total number of voters cast. Upon verification of ballots cast, votes shall be tabulated. The election judge shall verify the tabulation results. An affidavit of election results shall be produced which includes total number of eligible voters checked in, total number of ballots cast, and tabulation results. The election judge and clerk(s) shall verify and sign the affidavit of

election results. The election judge shall deliver the affidavit of election, plus all of the ballots counted, and the signed registration book to the board of trustees.

Section 12. Affidavit of Election Results Form.

Affidavit of election results form is in Appendix B.

Section 13. Canvassing the Votes.

The election judge(s) and Board of Trustees shall meet not later than seven days following the election and canvass the votes cast. The Board of Trustees shall certify the canvassing of votes in writing using the Canvassing of Votes Certification Form.

Section 14. Canvassing of Votes Certification Form.

Canvassing of votes certification form is in Appendix C.

Section 15. Issuance of Certificates of Election.

Upon completion of canvassing the votes and verifying the election results the board of trustees shall issue certificates to the persons receiving the highest number of votes (by precinct/district if necessary) certifying that those individuals have been duly elected. The number of certificates issued shall be equal to the number of board positions up for election.

Section 16. Certificate of Election Form.

Certificate of election form is in Appendix D.

**ARTICLE XI**

**Board of Trustees**

Section 1. Management and Powers.

The powers of management and control of the Merced de Santo Tomás Apóstol del Río de Las Trampas and tracts of land under §§ 49-1-1 to 49-1-22, NMSA 1978 are vested in a Board of Trustees, known as "The Board of Trustees of the Merced de Santo Tomás Apóstol del Río de Las Trampas". The Board of Trustees has the power to control, care for and manage the Merced and real estate, prescribe the terms and conditions under which the common lands may be used and enjoyed and make all necessary and proper Bylaws, subject to the approval of the

membership, and the necessary Rules and Regulations in substantial compliance with all applicable state law. To advocate for the protection of and continuation of traditional uses on all former common lands now managed by the Federal Government including the U.S. Forest Service and the Bureau of Land Management.

#### Section 2. Number of Trustees and Qualifications.

The Board of Trustees shall consist of five members, who are qualified voting members of the Merced and who are not in default of any dues, rent or other payments for the use of the common lands of the Merced. No more than three members shall be residents of the same precinct from within the Merced Boundaries.

#### Section 3. Terms of Service.

The members of the Board of Trustees shall serve for Four year terms. Terms shall be staggered so that at each two-year election cycle there shall only be either two or three board member positions up for election. In the first election where staggering is to occur members of the board of trustees shall draw lots to determine which two out of the five trustees will serve a two year so that subsequent elections can be held every two years.

#### Section 4. Vacancies.

If a vacancy occurs on the Board of Trustees for any position excluding the Treasurer, the remaining members shall fill the vacancy by appointment made at a regular meeting. The person appointed shall hold office until the next regular election. If the vacancy occurs as a result of the death or resignation of the treasurer, the board shall fill the vacancy by appointing one of the members of the board as treasurer, who shall, before entering into the performance of his duties as treasurer, execute and furnish to the board a good and sufficient surety bond, similar to the bond entered into by his predecessor. The board shall then fill the remaining vacancy as called for in the first sentence of this section.

#### Section 5. Board Meetings.

The Board of Trustees shall meet at least once every three months at the office of the Peñasco Community Center, (or other designated public place). Meeting notice for all meetings of the Board of Trustees shall be posted in Spanish and English in a public place within the Merced at least ten days prior to the meeting. All meeting notices must include the date, time and location of where the meeting is to take place. Also if no agenda is posted with the notice then information about where an agenda can be obtained must be included in the notice. Special meetings may be held at any time on call of the president, with five days' notice being given to each trustee and to the public in the same manner prescribed above. Emergency meetings may be held with 24 hours advance notice, if possible. Emergency meetings are those in which issues affecting the Merced arise that could not have been anticipated by the Board of Trustees and

which if not addressed immediately by the Board will threaten the health, safety or property of Merced members or likely result in substantial financial loss to the Merced.

#### Section 6. Quorum.

A majority of the Board of Trustees shall constitute a quorum for the transaction of business, and the Merced and its membership shall be bound by the acts of the Board, pursuant to §§ 49-1-1 through 49-1-19 NMSA 1978 and these Bylaws. Quorum requirements can only be met by telephone during a properly advertised public meeting under the following circumstances:

- 1) It is only done in limited circumstances where it is very difficult or impossible for the trustee to attend in person;
- 2) All trustees participating by telephone can be identified when speaking;
- 3) All trustees are able to hear each other at the same time, and;
- 4) All members of the public can hear all trustees when they speak during the meeting.

#### Section 7. Election of Officers of Trustees.

Within 14 days of every Merced election the members of Board of Trustees, shall meet and elect among themselves a President, Vice-President, Secretary and Treasurer.

#### Section 8. Removal of Trustees and Officers.

Any Trustee or Officer of the Merced may be removed from the office with cause, by a vote of not less than a simple majority of the qualified voting members present at any annual meeting, or at any special meeting called for the purpose, provided that a quorum, as prescribed in Article XIII, Section 4, of the qualified voting membership is present. The trustee or officer shall be informed in writing of the charges or reasons against him/her at least ten (10) days before such meeting in person or by counsel, and to present witnesses in his/her behalf at the meeting in which the action is to be taken.

#### Section 9. Removal for Unauthorized Absences.

A trustee or official who has three consecutive absences from regular meetings without prior notice to the board shall be deemed to have resigned from the board effective upon his/her receipt of written notice of removal due to three consecutive absences per a formal motion approved and signed by the all of the remaining members of the board of trustees.

#### Section 10. Salaries & Compensation.

The members Board of Trustees may be paid a salary the amount of which will be set by the Board of Trustees annually, as part of the agenda for the Annual meeting, and shall not

exceed the statutory limits prescribed in §49-1-14, NMSA 1978.

Members of the Board of Trustees may be authorized Per Diem and mileage pursuant to the Per Diem and Mileage Act [[10-8-1 NMSA 1978](#)].

## **ARTICLE XII**

### **Duties of Officers**

#### **Section 1. Duties of the President.**

The President shall preside over all meetings of the Merced and the Board of Trustees, shall call special meetings of the Board of Trustees and perform all acts and duties usually performed by an executive and presiding officer. He/she shall sign all membership certificates, notes, bonds, mortgages, contracts and other instruments on behalf of the Merced. He/she shall be an ex-officio member of all standing committees and shall have such powers and shall perform such other duties as may be properly required of him by the Board of Trustees.

#### **Section 2. Duties of the Vice-President.**

The Vice-President, in the absence or disability of the President, shall perform the duties of the President. However, in the case of death, resignation or disability of the President, the Board of Trustees shall declare a vacancy in the board of trustees, appoint a successor to fill the unexpired portion of the vacated term, and thereafter re-organize and elect from among themselves the new officers of the Land Grant.

#### **Section 3. Duties of the Secretary.**

Unless otherwise directed by the Board of Trustees, the Secretary shall:

- a) keep a complete record of all minutes of meetings, with attachments as reviewed, of the Merced and of the Board of Trustees. Meeting minutes shall be completed within 10 days follow any meeting of the Board of Trustees;
- b) have general charge and supervision of the books and records of the Merced except for the financial books which will be in charge of the treasurer;
- c) keep a proper membership registration or certificate record, showing the name of each member of the Merced and date of issuance, surrender, transfer, termination, cancellation or forfeiture;

- d) prepare mail or notices required by law and by these bylaws;
- e) serve, mail, or deliver all notices required by law and by these bylaws;
- f) attest the President's signature on all membership certificates and other papers pertaining to the Merced;
- g) keep the corporate seal, complete and attest all certificates issued and affix said association seal to all papers requiring seal;
- h) make a full report of all matters and business pertaining to his or her office to the members at the annual meeting, or at such other time or times as the Board of Trustees may require;
- i) be the official custodian of records for any freedom of information or inspection of public records requests;
- j) be the official recipient of all declarations of candidacy pertaining to any elections held by the Merced as called for in Article X of these Bylaws.
- k) prepare official registration books to be use during all Merced elections.

Upon the election of a successor, the Secretary shall turn over all books and other property belonging to the Merced that they may have in their possession.

#### Section 4. The Treasurer.

The Treasurer shall be covered in the performance of his or her duties by a surety bond in an amount to be determined by the Board of Trustees and which will at the minimum be a sum at least double the amount received by and deposited in the bank by the treasurer . The premium of such bond shall be paid by the Merced. Unless otherwise directed by the Board of Trustees, the treasurer shall:

- a) have general charge and supervision of the financial books and records of the Merced;
- b) make a full report of all matters and business pertaining to his or her office to the members at the annual meeting, or at such other time or times as the Board of Trustees may require;

- c) collect all assessments and monies due the association and cause to be deposited same on a timely basis in the depository in the manner designated by the Board of Trustees in the Rules and Regulations;
- d) shall give receipts for all monies collected from all sources, which receipts shall be in the form prescribed Article XII Section 6;
- e) only disburse funds by written check drawn upon vouchers;
- f) keep the Merced current on all accounts payable and compliance reports including annual budget and/or financial reporting requirements as prescribed in the Audit Act, 12-6-1 NMSA 1978 and section 6-6-1 NMSA 1978.
- g) make a report on the business transacted by him or her on a monthly basis or as requested.

Upon the election of a successor, the Treasurer shall turn over all books and other property belonging to the Merced that they may have in their possession.

#### Section 6. Other Employees or Agents.

The Board of Trustees may appoint, in addition to the officers named above, other agents or employees which may be necessary to conduct the business of the Merced. Such agents or employees may be authorized by the Board of Trustees, under its direction and pursuant to its rules and regulations, to provide for the business and general welfare of the members of the Merced. Such agents or employees shall be paid a compensation for the performance of their duties in an amount to be determined by the Board of Trustees.

- a) those employees or agents authorized by the Board of Trustees to collect money due and owing to the Merced shall be bonded in the same manner as is provided in the bonding of the treasurer;
- b) those employees or agents authorized by the Board of Trustees to collect money due and owing to the Merced shall give receipts for the money collected, which receipts shall be the form prescribed by the Board of Trustees.

### **ARTICLE XIII**

#### **Meetings of Members**

##### Section 1. Date and Time of Membership Annual Meeting.

The annual membership meeting of the Merced will be held annually in a public place within the Merced, on the first Sunday in June of each year at a time and place as posted in Spanish and English in public places within the Land-Grant Merced at least ten days prior to the meeting. In the event that such meeting cannot be held on this day, the meeting will be rescheduled and held within thirty (30) days of the date specified above.

#### Section 2. Meetings to be Public; Annual Report.

All meetings of the Board of Trustees, including the annual membership meeting, shall be held in accordance with the Open Meetings Act, § 10-15-1.1 NMSA 1978 and the General Provisions § 49-1-9 NMSA 1978. Executive sessions shall not be held except in accordance with the Open Meetings Act. All heirs (voting and non-voting members) of the Land-Grant Merced shall have the right to be present at all times when the Board of Trustees is in session and to be heard on all matters in which they may be interested. The members of the public (non-heirs) may attend all meetings, except those closed to executive session, as per §10-15-1(H) of the Open Meetings Act, and participate in discussions at the invitation of the Board of Trustees.

The Board of Trustees shall annually make public a report of all its transactions for that year. The report shall be based upon agendas, minutes, actions taken and include all financial transactions. The report shall be maintained in the office of the Merced and available for public review and inspection.

The Secretary of the Board of Trustees shall reduce to writing, in a book kept for that purpose, minutes of the business transacted at each meeting of the Board.

#### Section 3. Calling for Special Meetings.

Special meetings of the members of the Merced may be called at any time by the President, a quorum of the Board of Trustees or upon resolution of the Board of Trustees upon a written petition to the President of the Board, signed by five (5%) percent of the members. The purpose of every special meeting will be stated in the notice thereof, and no business shall be transacted thereat, except such as is specified in the notice.

#### Section 4. Quorum.

Fifteen (15%) of the total qualified voting membership of the Merced will constitute a quorum at any annual or special meeting of the membership for the transaction of business. If no quorum is determined, another meeting will be held within thirty (30) days. At that meeting the qualified voting members present will constitute a quorum for the transaction of business. The arrangement for such meeting will be held within thirty (30) days. At that meeting the members present will constitute a quorum for the transaction of business.



Section 5. Meeting Agenda.

The order of business at the meeting of the members, and as far as possible at other meetings, shall be:

1. Call to Order and Proof of Quorum
2. Approval of Agenda
3. Approval of Minutes
4. Old Business
5. New Business
6. Reports of Officers and Committees
7. Comments from Heirs (limited to 3 minutes)
8. Public Comments
9. Announcements
10. Adjournment

Section 6. Official Actions of the Board of Trustees.

Except as otherwise required in Article XVI of these bylaws, all motions, resolutions and any other actions items considered for adoption by the Board of Trustees must be motioned for and seconded by a current member of the Board of Trustees. All such items must receive a majority vote of the Board of Trustee members present at the meeting in which the item has been motioned, and which Board quorum as prescribed in Article XI Section 6 has been met, in order for item to be adopted.

**ARTICLE XIV**

**Miscellaneous**

Section 1. Form of Registration or Certificate.

The Board of Trustees will determine the form of membership registration, which may include a certificate signed by the President and his or her signature attested by the Secretary, who shall impress thereon the Seal of the Merced, provided that the form of certificate, in addition to any other matters required by the Board of Trustees to appear therein, shall contain any statements required by the Laws of the State of New Mexico.

Section 2. Membership Book.

As a part of the records of the Merced, there shall be kept a Membership Book, which will contain a list of the members or a list of the certificates of membership which have been issued, noting the number of the certificate, the date thereof, and the name and address of the person to whom issued, and other information as required.

Section 3. Procurement.

Any and all purchases made by the Merced shall be done in accordance with Procurement Code §§13-1-28 through 13-1-119 NMSA 1978.

Section 4. Tort Liability Coverage.

The Merced de Santo Tomás Apóstol del Río de Las Trampas shall seek to cover every risk for which immunity has been waived under the provisions of the Tort Claims Act § 41-4-1 NMSA 1978 or any liability imposed under § 41-4-4 NMSA 1978 as prescribed in §41-4-20 NMSA 1978.

Section 5. Intergovernmental Agreements.

The Merced may enter into memoranda of understanding, contracts and other agreements with local, state or federal government or a federally recognized Indian nation, tribe or pueblo.

Section 6. Dues

- A. The Board of Trustees will set the membership dues and approved by the membership at the annual meeting.
- B. Membership dues must be paid annually since member's registration in order to remain current.
- C. Youth members upon turning 18 years of age shall start paying membership dues the following fiscal year after their birthday.

Section 7. Receipts.

All receipts issued by the Board of Trustees and shall, at the minimum: contain the printed or stamped name of the Merced; be sequentially numbered; be bound in a receipt book. The board of trustees shall issue original copy of receipt and maintain a duplicate copy for their records.

**ARTICLE XV**

## **Rules and Regulations**

The Board of Trustees of the Merced de Santo Tomás Apóstol del Río de Las Trampas are authorized to promulgate all rules and regulations necessary to fulfill the purposes of the Land-Grant Merced, which are in conformity with the Constitution of the State of New Mexico, the Statutes Annotated of New Mexico and the Bylaws of the Merced.

### **Section 1. Proposed Rules and Regulations.**

The Board of Trustees will develop the proposed rules or regulations and distribute the proposals to all members of the Merced before taking any formal action.

### **Section 2. Comment Period.**

The membership of the Merced shall have a minimum of 30 days to review and comment on the proposed rules or regulations before the Board of Trustees can act to modify, amend, adopt or approve same.

### **Section 3. Emergencies.**

In the case of an emergency the Board of Trustees is authorized to make or promulgate emergency rules or regulations which shall take effect immediately. Copies of the emergency rules or regulations shall be distributed to the membership of the land grant which shall have a minimum of 30 days to review and comment on the emergency rules or regulations. At its next meeting, the Board of Trustees shall act to modify, amend, adopt, ratify, rescind or approve same.

## **ARTICLE XVI**

### **Amendments**

These Bylaws may be modified, repealed or amended by a vote of the majority of the qualified voting members present at any annual meeting of the Merced, or at any special meeting called for that purpose, so long as all such amendments are in conformity with consistent with the Constitution of the State of New Mexico, the Statutes Annotated of New Mexico and the Bylaws of the Merced.

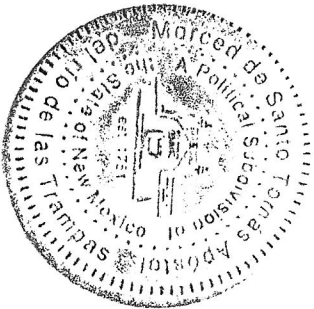
We, the undersigned President, Vice-President, Treasurer, Secretary and Trustees of the Board of Trustees for the Merced de Santo Tomás Apóstol del río de las Trampas existing under the General Provisions, §§ 49-1-1 to 49-1-22, NMSA 1978, and other laws of the State of New Mexico, hereby certify that the above is a true and correct copy of the Bylaws, together with all amendments thereto, which were duly adopted on May 15, 2016 by a majority vote of the quorum of qualified voting members of the Merced de Santo Tomás Apóstol del río de las Trampas.

By: Alex Lopez  
Alex Lopez, President

By: JA Lopez  
Jose Arnaldo Lopez, Vice-President

By: Samuel Lopez  
Samuel Lopez, Treasurer

By: Rubén Aguilar  
Ruben Aguilar, Trustee



ATTEST

By: Ernestina Lopez  
Ernestina Lopez, Secretary

We, the undersigned President, Vice-President, Treasurer, Secretary and Trustees of the Board of Trustees for the Merced de Santo Tomás Apóstol del Río de Las Trampas existing under the General Provisions, §§ 49-1-1 to 49-1-22, NMSA 1978, and other laws of the State of New Mexico, hereby certify that the above is a true and correct copy of the Bylaws, together with all amendments thereto, which were duly amended on June 4, 2023 by a majority vote of the quorum of qualified voting members of the Merced de Santo Tomás Apóstol del Río de Las Trampas.

By: Alex Lopez  
Alex Lopez, President

By: Jose Arnaldo Lopez  
Jose Arnaldo Lopez, Vice-President

By: Samuel Lopez  
Samuel Lopez, Treasurer

By: Ruby F. Lopez  
Ruby F. Lopez, Trustee



ATTEST

By: Pat Aguilar  
Pat Aguilar, Secretary

Amendments made at the annual meeting of the Merced de Santo Tomás Apóstol del Río de Las Trampas of June 4, 2023 are:

- a. Correct Spelling on name of Land Grant to reflect proper capitalization.
- b. On Article XIV Section 6. Dues:
  - i. Interchange the words ‘the set’ in : The Board of Trustees will the set membership dues and approved by the membership at the annual meeting.  
To Read: A. The Board of Trustees will set the membership dues and approved by the membership at the annual meeting.
  - ii. Add: B. Membership dues must be paid annually since member’s registration in order to remain current.
  - iii. Add: C. Youth members upon turning 18 years of age shall start paying membership dues the following fiscal year after their birthday.

# Appendix A

# Merced de Santo Tomás Apóstol del río de las Trampas

## DECLARATION OF CANDIDACY

I, \_\_\_\_\_, being first duly sworn upon my oath do hereby state for my affidavit that:

I, \_\_\_\_\_, hereby declare that I am a candidate for the office of Trustee for a \_\_\_\_\_ (two/four) year term to be elected at the regular election of the Merced del Pueblo de \_\_\_\_\_ to be held on \_\_\_\_\_ (insert date).

I affirm that I currently reside at \_\_\_\_\_ (Insert Address including city, state and zip code) and that my County designated voting precinct is # \_\_\_\_\_ (Insert precinct #)

I affirm that my name and resident address as stated in this Declaration of Candidacy are identical to my name and resident address as stated in my registration on file with the Merced del Pueblo de \_\_\_\_\_.

I affirm that I am eligible and legally qualified to hold the office for which I have declared my candidacy.

I affirm that I have not been convicted of a felony.

-OR-

I affirm that I have been convicted of a felony, and that my elective franchise has been restored, and, I have been granted a pardon or a certificate by the Governor restoring my full rights of citizenship.

I affirm that I, or my authorized representative, can be reached at the following telephone number(s) for purposes receiving telephone notice: \_\_\_\_\_ or \_\_\_\_\_.

I affirm that this declaration of candidacy is an affidavit under oath and that any false statement knowingly made herein constitutes a fourth degree felony under the laws of New Mexico.

---

Signature of Candidate



Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

Received by the Secretary of the Board of Trustees at \_\_\_\_\_ (A.M. /P.M.) on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Secretary of the Board of Trustees

# Merced de Santo Tomás Apóstol del río de las Trampas

## AFFIDAVIT OF WITHDRAWAL OF CANDIDACY

I, \_\_\_\_\_, being first duly sworn upon my oath do hereby state for my affidavit that:

I, \_\_\_\_\_, hereby withdraw as a candidate for the office of Trustee for a two/four year term in the election scheduled for \_\_\_\_\_ (insert date), and that I hereby irrevocably revoke my Declaration of Candidacy filed with the Land Grant Board of Trustees on \_\_\_\_\_ (insert date).

Signed \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2000

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

Received by the Secretary of the Board of Trustees at \_\_\_\_\_ (A.M. /P.M.) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed \_\_\_\_\_  
Secretary of the Board of Trustees

Official Land Grant Seal:

# Appendix B

# Merced de Santo Tomás Apóstol del río de las Trampas

## AFFIDAVIT OF ELECTION RESULTS FORM

Number of voters verified at polls on Election Day: \_\_\_\_\_

Number of qualified provisional voters: \_\_\_\_\_

Number of early voters: \_\_\_\_\_

Number of absentee voters: \_\_\_\_\_

**Total number of voters:** \_\_\_\_\_

Number of regular ballots casts at polls on election day: \_\_\_\_\_

Number of qualified provisional ballots cast: \_\_\_\_\_

Number of early voter ballots: \_\_\_\_\_

Number of absentee ballots: \_\_\_\_\_

**Total number of ballots cast:** \_\_\_\_\_

### Tabulation of votes:

Total votes for \_\_\_\_\_ : \_\_\_\_\_  
(insert candidate's name)

Total votes for \_\_\_\_\_ : \_\_\_\_\_  
(insert candidate's name)

Total votes for \_\_\_\_\_ : \_\_\_\_\_  
(insert candidate's name)

Total votes for \_\_\_\_\_ : \_\_\_\_\_  
(insert candidate's name)

Total votes for \_\_\_\_\_ : \_\_\_\_\_  
(insert candidate's name)

Results for any questions being voted on (insert text of question):

For: \_\_\_\_\_ Against: \_\_\_\_\_

By signing below, I hereby certify that the above voter count, ballot count and tabulation of election results have been verified and are true and correct.

\_\_\_\_\_  
Election Clerk

\_\_\_\_\_  
Election Clerk

\_\_\_\_\_  
Election Judge

# Appendix C

# Merced de Santo Tomás Apóstol del río de las Trampas

## CANVASSING OF VOTES CERTIFICATION FORM

Number of voters verified at polls on election day: \_\_\_\_\_

Number of qualified provisional voters: \_\_\_\_\_

Number of early voters: \_\_\_\_\_

Number of absentee voters: \_\_\_\_\_

**Total number of voters:** \_\_\_\_\_

Number of regular ballots casts at polls on election day: \_\_\_\_\_

Number of qualified provisional ballots cast: \_\_\_\_\_

Number of early voter ballots: \_\_\_\_\_

Number of absentee ballots: \_\_\_\_\_

**Total number of ballots cast:** \_\_\_\_\_

### Tabulation of votes:

Total votes for \_\_\_\_\_ : \_\_\_\_\_  
(insert candidate's name)

Total votes for \_\_\_\_\_ : \_\_\_\_\_  
(insert candidate's name)

Total votes for \_\_\_\_\_ : \_\_\_\_\_  
(insert candidate's name)

Total votes for \_\_\_\_\_ : \_\_\_\_\_  
(insert candidate's name)

Total votes for \_\_\_\_\_ : \_\_\_\_\_  
(insert candidate's name)

Results for any questions being voted on (insert text of question):

For: \_\_\_\_\_ Against: \_\_\_\_\_

By signing below, I hereby certify that the above voter count, ballot count and tabulation of election results have been verified and are true and correct.

Trustees: \_\_\_\_\_

\_\_\_\_\_  
Election Judge

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Appendix D

# Merced de Santo Tomás Apóstol del río de las Trampas

## CERTIFICATE OF ELECTION TO THE BOARD OF TRUSTEES

The Board of Trustees of the Land Grant-Merced del Pueblo de \_\_\_\_\_ on this \_\_\_\_\_ (insert day) day of \_\_\_\_\_ (insert month), 20\_\_\_\_ (insert year) does hereby certify that \_\_\_\_\_ (insert name of candidate), a candidate for the position of member of the Board of Trustees of the Land Grant-Merced del Pueblo de \_\_\_\_\_, whose address is \_\_\_\_\_, having received the necessary amount of votes in the election held on \_\_\_\_\_ (insert date), has been duly elected to the Board of Trustees of the Land Grant-Merced del Pueblo de \_\_\_\_\_. The term of office for the position is for 2/4 (choose one) years and service on the board shall begin on \_\_\_\_\_ (insert date must be within 7 days of issuing canvassing the votes).

Adopted, Approved and Certified by the Board of Trustees of Merced de Santo Tomás Apóstol del río de las Trampas.

By: \_\_\_\_\_  
President

Attest: \_\_\_\_\_  
Secretary



## Appendix E



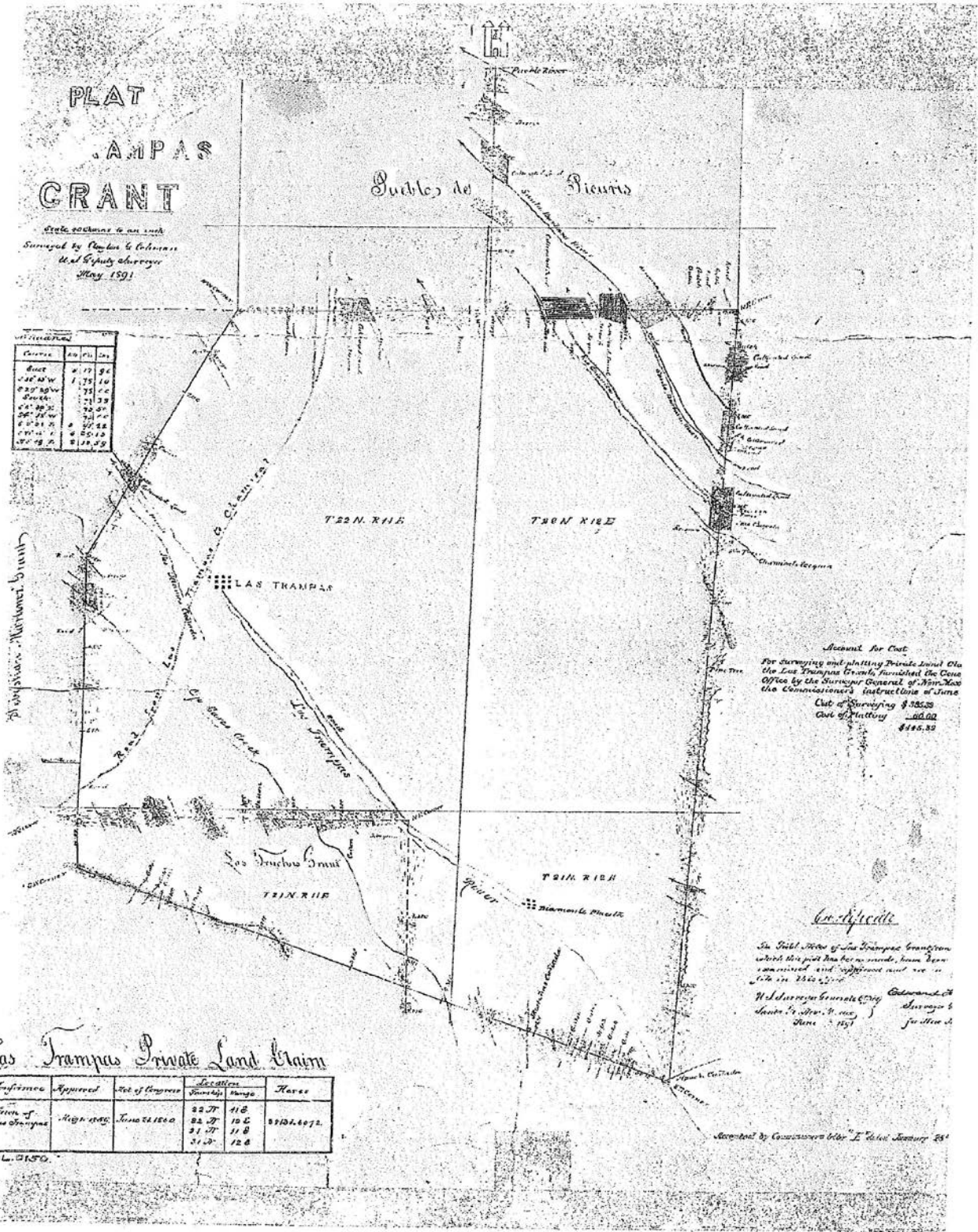
Figure 1

## Appendix F

# PLAT TRAMPAS GRANT

State sections to an inch  
Surveyed by Parker & Johnson  
and Spitzberger  
May 1851

Course	Dist	Angle	Dist
East	6 17 56		
S 46° 42' W	1 35 10		
S 27° 30' W	75 30		
South	71 38		
S 64° 30' E	70 50		
S 67° 30' W	70 10		
S 71° 15' E	8 41 48		
S 71° 15' E	8 25 12		
S 71° 15' E	8 18 50		



Account for Cost  
For surveying and platting Private Land On  
the Las Trampas Grant, furnished the Case  
Office by the Surveyor General of New Mexico  
the Commissioner's instructions of June  
Cut of Surveying \$ 185.00  
Cut of Platting 100.00  
\$ 285.00

*W. H. Johnson*

In Full, None of the Trampas Grant  
which this plat has no record, have been  
examined and approved and are in  
the in this plat.

W. H. Johnson Surveyor General  
June 15, 1851

## as Trampas Private Land Claim

Conference	Approved	Date of Congress	Sections Surveyed	Range	Acres
First of the Trampas	1851-1852	June 22 1850	22 27	11 E	3710 6072
			22 27	10 E	
			21 27	11 E	
			21 27	12 E	

36-1750

Approved by Commissioners before I. C. Johnson 25