

RESOLUTION 2023-16

State of New Mexico Estancia Valley Solid Waste Authority

2024 Open Meetings

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to – 4) states that, except as may be otherwise provided in the Constitution or otherwise provided in the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policy-making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs, and any closed meetings, shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Board of Directors of the Estancia Valley Solid Waste Authority (hereafter, “EVSWA”) to determine at least annually what constitutes reasonable notice of its public meetings;

WHEREAS, a “meeting” means a gathering of a quorum of the members of standing committee or conference committee held for the purpose of taking any action within the authority of the committee or body. A “public hearing”, is an official meeting where members of the public hear the facts about a topic of discussion and give their opinions. An “Information Brief” presents facts to an audience and doesn’t include recommendations or result in board member decisions.

THEREFORE, BE IT RESOLVED by the Board of Directors for EVSWA, State of New Mexico:

1. All regular scheduled meetings shall be held at the EVSWA Office, at 515 Allen St Estancia, New Mexico at 9 AM or as indicated in the meeting notice.
2. Unless otherwise notified, regular meetings shall be held once a month on the third Thursday of the month, *i.e.*, January 18, 2024; February 15, 2024; March 21, 2024; April 18, 2024; May 16, 2024; June 20, 2024; July 18, 2024; August 15, 2024; September 19, 2024; October 17, 2024; November 21, 2024; and December 19, 2024.
3. Special meetings may be called by the Chairman or a majority of the members upon at least seventy-two (72) hours’ notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda.
4. Emergency meetings will be called only under unforeseen circumstances which, if not addressed immediately by the EVSWA Board of Directors, will likely result in injury or damage to persons or property or substantial financial loss to the public body. The EVSWA Board of Directors will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon at least twenty-four (24) hours’ notice, unless threat of personal injury, property damage, or financial loss requires less notice. The notice for any emergency meeting shall include

an agenda for the meeting or information on how the public may obtain a copy of the agenda.

5. For the purposes of regular meetings described in paragraph 2 of this resolution and special meetings described in paragraph 3 of this resolution, notice requirements are met if this 2024 Open Meetings Resolution is posted in Estancia at the EVSWA office and if notice of the date, time, and place of each such meeting, including the agenda for the meeting, is posted at the EVSWA Office at least seventy-two (72) hours prior to the meeting. The notice and agenda for such meetings also shall be available at the EVSWA's website (evswa.com), and from the EVSWA Director, whose office is located at 515 Allen Street, Estancia, New Mexico, at least seventy-two (72) hours prior to the meeting. Copies of this 2024 Open Meetings Resolution shall be mailed or emailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings. The posted notice and agenda for each such meeting shall be sent to such broadcast stations and newspapers that have made a written request for notice of public meetings at least seventy-two (72) hours prior to the meeting.
6. For the purposes of emergency meetings described in paragraph 4 of this resolution, notice requirements are met if notice of the date, time, and place of such emergency meeting is provided to those broadcast stations licensed by the Federal Communications Commission and those newspapers of general circulation that have made a written request for notice of public meetings and if notice, including an agenda for the emergency meeting, is posted in Estancia at the EVSWA Office and made available on the EVSWA's website, evswa.com at the earliest feasible time.
7. In addition to the information specified above, all posted notices shall include the following language:


If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the EVSWA Office at 515 Allen Street, Estancia, New Mexico, 87016 (505) 384-4270 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the EVSWA Office if a summary or other type of accessible format is needed.
8. The EVSWA Board of Directors may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.
 - a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the EVSWA Board of Directors taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity in the motion to close, and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.
 - b) If the decision to hold a closed meeting is made when the EVSWA Board of Directors are not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating provision of law

authorizing the closed meeting and the subjects to be discussed with reasonable specificity is given to the members and to the general public.

- c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
 - d) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the EVSWA Board of Directors in an open meeting.
9. Within ten days of taking action on an emergency matter, the EVSWA shall report to the attorney general's office the action taken and the circumstances creating the emergency; provided that the requirement to report to the attorney general is waived upon the declaration of a state or national emergency.
10. In situations where it is difficult or impossible for a member to be in an actual attendance, the member may participate fully by conference via telephone or video call, and be counted in the quorum for the meeting, as long as the provisions in Section 10-15-1.C of the New Mexico Open Meetings Act are met:
- a. Provided that each member participating by conference telephone can be identified when speaking.
 - b. All participants are able to hear each other at the same time.
 - c. Members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

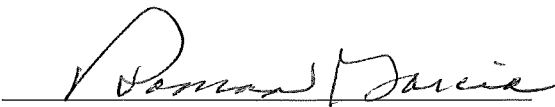
PASSED APPROVED AND ADOPTED this 21st day of December 2023.

**ESTANCIA VALLEY
SOLID WASTE AUTHORITY**

 *PER RYAN*

Ryan Schwebach, Chairman

Attest:



Roman Garcia, Secretary