

RESOLUTION 2024-17

State of New Mexico Estancia Valley Solid Waste Authority

2025 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 16, 2025; February 20, 2025; March 20, 2025; April 17, 2025; May 15, 2025; June 19, 2025; July 17, 2025; August 21, 2025; September 18, 2025; October 16, 2025; November 20, 2025; and December 18, 2025.
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 2025 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 2025 Open Meetings Resolution shall be mailed or emailed to those 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 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.

b. Vaughn Project-

Danette showed pictures of the blades of where they started to work on the wind blades before the equipment broke down. They are working with Wagner to get it back up and running so they can continue to break down the rest of the blades and get them buried. The engineer stated they have plenty of room to get all these blades taken care of. We did a recount and figured out there are a lot more blades than originally taken in. We have asked how they are getting into the landfill, and nobody knows anything. They talked to Lawrence Villanueva, and he states he knows nothing about the blades. There are a lot of things that don't add up in Vaughn. The D9 Dozer is a beast and while working the blades the pivot shaft got a puncture. Our mechanic from WW Diesel that works on our machines stated there is no way that was caused by crushing those blades. Danette is talking with Wagner to see how we can get this fixed. Mayor Dean and Debbie got into a discussion about water issues. AJ is talking to Komatsu about a rental that is comparable to a D9. Ted Hart made the statement he would like to get this project completed and start the process to close the Vaughn Landfill. Danette stated she will get in touch with NMED to see what she needs to do to start the process for closing.

c. County Contract-

Danette, the attorney and Ted Hart discussed with new county manager, Jordan Barela and she feels he has some understanding of the contract. We agreed to set a contract around budget time using an average of 3-year numbers. Mayor Dean inquired about purchasing the trucks from the county for the landfill. Danette said she is going to meet with Leonard Lujan to look at the trucks once she is finished working on the audit and she has some freed-up time.

d. Fraud Investigation-

Danette spoke with Marty Rivera he was trying to get a copy of the Fire Report. Morrow Hall inquired about the fire on our shed on the day of 4th of July 2023. We had to get rid of all documents that were stored in it because they burned. Danette had called the Fire Marshall to do the investigation into the fire and they declared it as arson. She will get in touch with DA's office again and check status. Micheal Garcia our attorney will send a letter also to check status.

17. Announcements:

The next Board Meeting, December 19, 2024, at 3:00 PM and the Christmas Party will follow-

18. ADJOURN:

Chairman Ryan Schwebach made a motion to adjourn and Gayle Jones 2nd the motion. Motion carried.

- 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 19th day of December 2024.

**ESTANCIA VALLEY
SOLID WASTE AUTHORITY**



Ted Hart, Vice-Chairman

Attest:



Debbie Ortiz, Member