

State of New Mexico

Town of Estancia

RESOLUTION NO. 2022-12

**FOURTH AMENDED JOINT POWERS AGREEMENT
ESTANCIA VALLEY SOLID WASTE AUTHORITY**

RESOLUTION TO AMEND THE JOINT POWERS AGREEMENT ESTABLISHING THE ESTANCIA VALLEY SOLID WASTE AUTHORITY TO RE-STATE, RE-AFFIRM AND CONTINUE THE ESTANCIA VALLEY SOLID WASTE AUTHORITY BOARD; TO RE-STATE, RE-AFFIRM AND CONTINUE THE MUTUAL RIGHTS AND OBLIGATIONS OF THE COUNTY OF TORRANCE, VILLAGE OF ENCINO, TOWN OF ESTANCIA, CITY OF MORIARTY, TOWN OF MOUNTAINAIR, TOWN OF VAUGHN, AND THE VILLAGE OF WILLARD.

WHEREAS, the State of New Mexico, through its Environmental Improvement Board, has enacted Solid Waste Regulations 20.9.2 through 20.9.10 NMAC, imposing strict standards on local governments governing the collection and disposal of solid waste and long range goals to reduce the volume of waste being deposited in solid waste landfills; and

WHEREAS, the Joint Powers Agreement Act (the "JPA Act"), NMSA 1978, §§ 11-1-1 et. seq., provides that any county and any municipality may enter into agreements to cooperate and assist each other in exercising and performing any power, authority, duty or function legally invested in them;

WHEREAS, currently the COUNTY OF TORRANCE, VILLAGE OF ENCINO, TOWN OF ESTANCIA, CITY OF MORIARTY, TOWN OF MOUNTAINAIR, TOWN OF VAUGHN, and VILLAGE OF WILLARD jointly develop, operate and fund the ESTANCIA VALLEY SOLID WASTE AUTHORITY (the "Authority" or "EVSWA"), for the purpose of providing a regional solid waste management system pursuant to: an existing joint powers agreement;

WHEREAS, currently the EVSWA is a regional solid waste management system comprised of a permitted regional landfill, multiple solid waste Collection centers, multiple recycling centers, and solid waste and recycling equipment;

WHEREAS, the COUNTY OF TORRANCE, VILLAGE OF ENCINO, TOWN OF ESTANCIA, CITY OF MORIARTY, TOWN OF MOUNTAINAIR, TOWN OF VAUGHN, and VILLAGE OF WILLARD wish to amend the existing joint powers agreement to provision the amount of members that reside on its board of directors

WHEREAS, pursuant to the JPA Act, the COUNTY OF TORRANCE, VILLAGE OF ENCINO, TOWN OF ESTANCIA, CITY OF MORIARTY, TOWN OF MOUNTAINAIR, TOWN OF VAUGHN, VILLAGE OF WILLARD {collectively "Parties" or individually a "Party"}) wish to jointly exercise the power to develop, operate and fund the EVSWA as permitted and allowed, and further desire to enter into this JPA to exercise this common power;

WHEREAS, pursuant to the JPA Act, the Parties hereunder may appoint a board ("Board") to administer or execute the agreement;

WHEREAS, the Parties wish to continue the development, operation and funding of the EVSWA;

WHEREAS, the Parties wish to redefine control of the EVSWA's administration and performance, including financing the EVSWA, and to reconstitute the Board for the purpose of governing the EVSWA as set forth herein on behalf of the COUNTY OF TORRANCE, VILLAGE OF ENCINO, TOWN OF ESTANCIA, CITY OF MORIARTY, TOWN OF MOUNTAINAIR, TOWN OF VAUGHN, VILLAGE OF WILLARD; and

WHEREAS, a Fourth Amended Joint Powers Agreement is attached as Exhibit A and fully incorporated as if completely stated herein;

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, IT IS RESOLVED by the governing body of the Town of Estancia, State of New Mexico, that:

1. The Fourth Amended Joint Powers Agreement attached as Exhibit A to this resolution is approved; and
2. The Mayor is duly authorized to sign and execute said Joint Powers Agreement on behalf of the Town of Estancia.

Resolved: in Regular Board Session this 7 th day of March, 2022.



Mayor Nathan Dial

Attest:



Michelle Jones, Clerk/Treasurer