

ORDINANCE 2019-12-05-0999

**AUTHORIZING RENEWING A COOPERATIVE AGREEMENT
WITH BEXAR COUNTY WHICH ALLOWS THE COUNTY TO
PROVIDE MANDATORY RESIDENTIAL SOLID WASTE
COLLECTION AND DISPOSAL SERVICES FOR BEXAR
COUNTY'S CAMELOT II NEIGHBORHOOD LOCATED WITHIN
THE CITY'S EXTRATERRITORIAL JURISDICTION**

* * * * *

WHEREAS, the issue of illegal dumping and the collection of solid waste in unincorporated areas of Bexar County has been a continuing problem for a number of years; and

WHEREAS, Bexar County does not require mandatory solid waste disposal services for residents of unincorporated Bexar County, and although the Camelot II neighborhood is within the City's extraterritorial jurisdiction (ETJ), state statute does not allow the City to mandate or provide solid waste collection or disposal services in areas outside the City limits; and

WHEREAS, Texas Attorney General (AG) Opinion GA-0988, February 5, 2013, concluded that Section 364.031 of the Health and Safety Code authorizes cooperative agreements between a municipality and a county that would permit the county to provide mandatory solid waste disposal service in an area of the county that is within the ETJ of the municipality that is not receiving such services from the municipality; and

WHEREAS, in early June 2015, Bexar County Precinct 4 Commissioner Tommy Calvert contacted the Solid Waste Management Department Director to discuss solid waste disposal services in the Camelot II residential neighborhood, an area in unincorporated Bexar County and within the City of San Antonio's ETJ; and

WHEREAS, Ordinance 2015-08-06-0652 authorized the negotiation and execution of a Cooperative Agreement with Bexar County to permit the County to provide mandatory residential Solid Waste collection and disposal services for Bexar County's Camelot II neighborhood located within the City's ETJ; the term of the Cooperative Agreement was from November 30, 2015 to December 31, 2018; and

WHEREAS, during the 85th Legislative Session Senate Bill 1299 was passed and signed by the Governor with an effective date of May 22, 2017; this bill gave Bexar County Commissioner's Court the authority to establish a solid waste services program in the unincorporated parts of the County; and

WHEREAS, Ordinance 2018-11-15-0920 authorize the renewal of the Cooperative Agreement at the request of Bexar County to continue the pilot program for one

additional year while they researched implementing the program authorized by SB 1299, with a new termination date for the pilot program of December 31, 2019; and

WHEREAS, the County has requested the City extend the program for one additional year, from January 1, 2020 to December 31, 2020; there are to be no further contract amendments or extensions beyond 2020; the purpose of this final extension is to provide the County with time to establish a contract with a private hauler beyond 2020; and

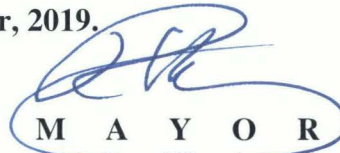
WHEREAS, this Ordinance would authorize the second renewal of the Cooperative Agreement between the City and Bexar County to continue the pilot program for one additional year, from January 1 to December 31, 2020, and permit the County to continue to provide mandatory solid waste collection and disposal services in the Camelot II neighborhood, an area within the City's ETJ; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

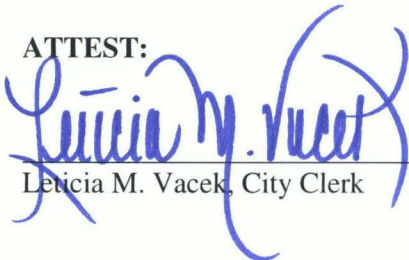
SECTION 1. The City Manager, or designee, or the Director, Solid Waste Management Department, or designee, is hereby authorized to negotiate and execute any and all documents required to amend and renew the Cooperative Agreement with Bexar County to continue the pilot program in the Camelot II neighborhood, and to permit the County to provide mandatory residential solid waste collection and disposal service in the Camelot II neighborhood, an area within the City of San Antonio's ETJ, for one additional year, from January 1 to December 31, 2020, under the same terms and conditions. A copy of the Amendment to the Agreement, in substantially final form, is attached and incorporated herein for all purposes as **Attachment I**.

SECTION 2. This Ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes or, if passed by fewer than eight (8) affirmative votes, shall be effective ten (10) days after passage.


PASSED AND APPROVED this 5th day of December, 2019.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


for Andrew Segovia, City Attorney

Agenda Item:	32 (in consent vote: 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34A, 34B)
Date:	12/05/2019
Time:	10:02:56 AM
Vote Type:	Motion to Approve
Description:	Ordinance renewing a cooperative agreement with Bexar County which allows the County to provide mandatory residential Solid Waste collection and disposal services for Bexar County's Camelot II neighborhood located within the City's extraterritorial jurisdiction. [Roderick Sanchez, Assistant City Manager; David W. McCary, Director, Solid Waste Management]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
Jada Andrews-Sullivan	District 2		x			x	
Rebecca Viagran	District 3		x				
Adriana Rocha Garcia	District 4		x				x
Shirley Gonzales	District 5		x				
Melissa Cabello Havrda	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

CH
12/05/2019
Item No. 32

Attachment I

**AMENDMENT TWO TO
COOPERATIVE AGREEMENT FOR PILOT PROGRAM FOR SOLID WASTE
COLLECTION AND TRANSPORTATION SERVICES WITHIN A PORTION OF
THE CAMELOT II AREA OF BEXAR COUNTY**

On August 6, 2015, San Antonio City Council passed and approved Ordinance No. 2015-08-06-0652 and, on October 20, 2015, Bexar County Commissioners Court passed a Court Order authorizing the approval of a Cooperative Agreement between Bexar County and the City of San Antonio for the City of San Antonio to conduct the Camelot II Municipal Solid Waste (MSW) Pilot program in unincorporated Bexar County.

The initial term of the Cooperative Agreement was from on, or about, November 30, 2015 through December 31, 2018. The Cooperative Agreement provided that upon mutual agreement of the Parties, the Pilot Program could continue after the termination date.

COSA Ordinance 2018-11-15-0920 authorized the renewal of the Cooperative Agreement and extension of the pilot program for an additional period of one year, with a modification to the level of services, and a new termination date of December 31, 2019.

The Parties have mutually agree to renew the Cooperative Agreement and extend the pilot program for a second additional one year period while the County researches implementing the program authorized by SB 1299, with a new termination date for the pilot program of December 31, 2020.

This **Amendment Two** to the Cooperative Agreement modifies Sections 1.03 and 1.04, and is entered into by and between COSA and the County, acting by and through their designated representatives. The undersigned hereby agree to modify said Cooperative Agreement as follows:

1. Page 3, Section 1.03, “**Services to be Provided by County**”, as amended, is modified to read:

1.03 Services to Be Provided by County. The SWMD requires an exclusive contract to provide solid waste service to all 600 residences in the Pilot Program, and County agrees and will take all actions necessary to insure that all residences in the Pilot Program are included under this Agreement. COSA will submit an invoice on or before October 15th of Years One and Two; and by January 15th following the end of Year Three; and the one year extension set out in the Amendment One; and the second one-year extension set out in Amendment Two. The annual invoices will be broken down by month reflecting the number of residences in the Pilot Program for which payment of the solid waste fee was not made. County agrees to pay COSA, on an annual basis, a lump sum amount to cover that “uncollectable debt” within thirty days of receipt of the invoice. Additionally, County agrees to aggressively pursue and prosecute illegal dumping within the Pilot Program area (which includes, but is not limited to, trash dumped beside but not in the trash container, trash dumped in alleyways, and in the drainage ditches).

2. Page 3, Section 1.04, “**Provision of Services and Term of Agreement**”, as amended, is modified to read:

1.04 Provision of Services and Term of Agreement. COSA and County agree that these solid waste collection services will be put in place and commence on or about November 30, 2015. The term of this Amendment Two commences on January 1, 2020 through December 31, 2020. It is anticipated by the Parties that a program authorized by Senate Bill 1299, 85th Legislative Session, shall be implemented by the County on or before December 31, 2020, and no further extensions of this pilot program shall be required.

3. This Amendment Two to the Cooperative Agreement shall not prejudice any present or future rights, remedies, benefits, or powers belonging to or accruing to the Parties under the terms of the Cooperative Agreement herein amended.

4. Except as provided otherwise herein, the Cooperative Agreement shall remain unaffected, unchanged, and unimpaired by reason of the foregoing Amendment Two.

AGREED to this ___th day of December, 2019.

COUNTY OF BEXAR

CITY OF SAN ANTONIO

By: _____
NELSON W. WOLFF
County Judge
ATTEST:

By: _____
RODERICK SANCHEZ
Assistant City Manager
APPROVED AS TO FORM:

By: _____
GERARD RICKHOFF
County Clerk

By: _____
ANDREW SEGOVIA
City Attorney

APPROVED AS TO LEGAL FORM:

By: _____
PATRICIA G. PROWSE
Assistant Criminal District Attorney
Civil Section

APPROVED AS TO FINANCIAL CONTENT:

SUSAN YEATTS
County Auditor

DAVID SMITH
County Manager

APPROVED:

RENEE GREEN
Public Works Director