

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY
COUNCIL.**

ORDINANCE

**APPROVING THE RENEWAL OF A COOPERATIVE
AGREEMENT WITH BEXAR COUNTY WHICH ALLOWS THE
COUNTY TO PROVIDE MANDATORY RESIDENTIAL SOLID
WASTE COLLECTION AND DISPOSAL SERVICES, AND FOR
THE CITY TO CONTINUE PROVIDING THE SERVICES,
THROUGH JUNE 30, 2021 FOR BEXAR COUNTY'S CAMELOT II
NEIGHBORHOOD LOCATED WITHIN THE CITY'S
EXTRATERRITORIAL JURISDICTION.**

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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, Ordinance 2015-08-06-0652 authorized 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 County and the Solid Waste Management Department (SWMD) negotiated a pilot program for solid waste collection and transportation services to be provided by the SWMD to the Camelot II area 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, the pilot program was successful and through Ordinance 2018-11-15-0920 the cooperative agreement was extended through December 31, 2019, with a modified collection schedule. Ordinance 2019-12-05-0999 extended the program for an additional year, from January 1, 2020 to December 31, 2020, with the understanding that this would be the last extension and Bexar County would be responsible for securing a contract with a private hauler; and

WHEREAS, because of the effects of the COVID-19 pandemic on governments and businesses, the County has requested the City extend the program for one additional term of six months, from January 1, 2021 to June 30, 2021, at which time the County will implement a collection program; and

WHEREAS, this Ordinance would authorize an Amendment to the Cooperative Agreement between the City and Bexar County to renew and extend the pilot program for six additional months, from January 1, 2021 to June 30, 2021, 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 six additional months, from January 1, 2021 to June 30, 2021, under the same terms and conditions. If the County's collection program is delayed due to unforeseen circumstances, the City Manager, or designee, is authorized to extend the Cooperative Agreement and pilot program on a month-to-month basis, without further Council action. A copy of the Amendment Three to the Agreement, in substantially final form, is attached and incorporated herein for all purposes as **Attachment I**. The execution authority authorized by this Ordinance expires 60 days from the effective date.

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 ___ day of December, 2020.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina J. Flores, City Clerk

Andrew Segovia, City Attorney

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