

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

AN ORDINANCE

**AUTHORIZING 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 IN THE CAMELOT II NEIGHBORHOOD, AN AREA
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 in 2012 Representative Ruth Jones McClendon requested an opinion from the Texas Attorney General concerning whether a county may provide mandatory solid waste collection services in an area of the county that is within the extraterritorial jurisdiction (ETJ) of a municipality but that is not receiving such service from the municipality; 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, 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 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, this Ordinance would authorize the negotiation and execution of a cooperative agreement between the City and Bexar County to permit the County to provide mandatory solid waste collection and disposal services in the Camelot II neighborhood, an area within the City's ETJ, in accordance with the Texas Attorney General Opinion GA-0988; **NOW THEREFORE**,

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

SECTION 1. The City Manager, or her designee, or the Director, Solid Waste Management Department, or his designee, is hereby authorized to negotiate a cooperative agreement with Bexar County 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.

SECTION 2. The City Manager, or her designee, or the Director, Solid Waste Management Department, or his designee, is hereby authorized to execute a cooperative agreement with Bexar County, including any and all documents required to effectuate the purpose of this Ordinance, without further action by the San Antonio City Council. A draft copy of the Agreement, in substantially final form, is attached and incorporated herein for all purposes as **Attachment I**.

SECTION 3. 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 ___th day of _____, 2015.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney