

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

ORDINANCE

**AUTHORIZING THE RENEWAL 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 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, 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 ____ day of December, 2019.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney