



City of San Antonio

Agenda Memorandum

File Number: 15-4147

Agenda Item Number: 25.

Agenda Date: 8/6/2015

In Control: City Council A Session

DEPARTMENT: Solid Waste Management

DEPARTMENT HEAD: David W. McCary

COUNCIL DISTRICTS IMPACTED: District 2

SUBJECT:

Allowing County to Provide Solid Waste Services in ETJ

SUMMARY:

This ordinance would allow Bexar County to provide mandatory Solid Waste collection and disposal services in Bexar County Camelot II neighborhood, which is a residential area within the City's extraterritorial jurisdiction (ETJ), in accordance with the Texas Attorney General (AG) Opinion GA-0988.

BACKGROUND INFORMATION:

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. In 2012, Representative Ruth Jones McClendon requested an opinion from the Texas Attorney General concerning the Health and Safety Code regarding whether a county may provide mandatory solid waste collection services in an area of the county that is within the ETJ of a municipality, but that is not receiving such service from the municipality.

On February 5, 2013, Texas Attorney General (AG) Opinion GA-0988 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.

Currently, Bexar County does not require mandatory solid waste disposal services for residents of unincorporated Bexar County. Although the Camelot II area is within the City's ETJ, state statute does not allow the City to provide solid waste collection or mandate any solid waste disposal services in areas outside the City limits. Should Bexar County enter into an agreement with the City of San Antonio that would permit the County to provide mandatory solid waste disposal services in a specific area of the County within the ETJ, the County could decide to contract for those services with the City of San Antonio or with a private waste hauler.

The Camelot II area consists of approximately 620 homes. The area is bordered by Montgomery Drive on the north, and includes Chipping Street on the west, Mallow Street on the east and Sarepton Street on the South in the northeast quadrant of Bexar County. Residents in the area currently receive solid waste collection service from a private hauler through individual agreements with the private hauler. However, this collection is voluntary and residents are not required to obtain solid waste collection.

On July 2, 2015 the City sent a letter to County Administrator David Smith stating that the City would be amenable to entering into an agreement allowing Bexar County to mandate solid waste collection.

This action is not directly related to any potential annexation of the area by the City of San Antonio and is not contingent upon annexation.

ISSUE:

According to the Texas Attorney General Opinion GA-0988, a city must agree to allow a county to provide mandatory solid waste disposal service to an area that is within the city's ETJ. This Ordinance would allow for the negotiation and execution of a cooperative agreement between the City of San Antonio and Bexar County authorizing the County to provide mandatory solid waste collection and disposal service in this specific area of the City of San Antonio's ETJ.

ALTERNATIVES:

Bexar County could continue to facilitate solid waste disposal services through private waste haulers within the unincorporated areas of Bexar County; however, they would not have the enforcement ability to mandate solid waste services.

FISCAL IMPACT:

None

RECOMMENDATION:

Staff recommends approval of the Ordinance authorizing negotiation and execution of a cooperative agreement with Bexar County allowing the County to provide mandatory solid waste services.

