



# City of San Antonio

## Agenda Memorandum

**File Number:**19-8477

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**Agenda Item Number:** 32.

**Agenda Date:** 12/5/2019

**In Control:** City Council A Session

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**DEPARTMENT:** Solid Waste Management Department

**DEPARTMENT HEAD:** David W. McCary

**COUNCIL DISTRICTS IMPACTED:** Council District 2

**SUBJECT:**

Renewal of Cooperative Agreement with Bexar County to Provide Solid Waste Services in ETJ

**SUMMARY:**

This ordinance authorizes the renewal of a Cooperative Agreement with 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.

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.

Generally, 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.

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. This collection is not mandated,

however, and all residents are not required to have solid waste collection.

City Council passed and approved Ordinance 2015-08-06-0652 on August 6, 2015, which 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 extraterritorial jurisdiction. 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.

This pilot program has been successful and through Ordinance 2018-11-15-0920 the cooperative agreement was extended through December 31, 2019, with a modified collection schedule. The County has requested to 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 ample time to establish a contract with a private hauler beyond 2020. The SWMD is available to provide technical assistance to the County in order to facilitate an RFP on solid waste services.

#### **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. Ordinance 2015-08-06-0652 authorized Bexar County to provide solid waste services in the Camelot II area and the Cooperative Agreement for the SWMD to provide these services under a pilot program that will expire on December 31, 2019. This Ordinance would allow for the renewal of that pilot program for one final year and continue to authorize the County to provide mandatory solid waste collection and disposal service in this specific area of the City of San Antonio's ETJ.

#### **ALTERNATIVES:**

City Council could disapprove the renewal of the Cooperative Agreement, which would terminate the program and mandatory collection services in the Camelot II area.

#### **FISCAL IMPACT:**

This ordinance authorizes 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 for one additional year, from January 1, 2020 to December 31, 2020.

There is no incremental fiscal impact associated with the renewal of the cooperative agreement. The cost to provide Solid Waste collection and disposal services for the Camelot II area is approximately \$188,000.00 and is funded through the Solid Waste Operating and Maintenance Fund as part of the FY 2020 Adopted Budget. Costs are recovered through the Solid Waste Fee paid by the residents within the service area.

#### **RECOMMENDATION:**

Staff recommends approval of the Ordinance authorizing the final renewal of a cooperative agreement with Bexar County allowing the County to provide mandatory solid waste services in the Camelot II area.