



City of San Antonio

Agenda Memorandum

File Number:20-6124

Agenda Item Number: 33.

Agenda Date: 12/10/2020

In Control: City Council A Session

DEPARTMENT: Solid Waste Management Department

DEPARTMENT HEAD: David Newman

COUNCIL DISTRICTS IMPACTED: Council District 2

SUBJECT:

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

SUMMARY:

This ordinance authorizes the renewal and six month extension 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 many 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 Sarepto Street on the South in the northeast quadrant of Bexar County. Previously, residents in the area received solid waste collection services from private haulers through individual agreements with the private hauler. This collection was not mandated, however, and all residents did not have solid waste collection services.

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 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. Because of the effects of the COVID-19 pandemic on governments and businesses, the County has requested an extension of the pilot program for six additional months, from January 1, 2021 to June 30, 2021. During this time, the County will finalize the program and collection contract for the Camelot II area.

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 extended to expire on December 31, 2020. This Ordinance would allow for the extension of that pilot program for six months (January 1, 2021 to June 30, 2021) 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:

Without renewal of the agreement, waste collection services currently provided by the City will stop at the end of December 2020. Should Bexar County wish to continue providing service, the County would have to provide it without assistance from the City.

FISCAL IMPACT:

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 2021 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 renewal and six-month extension of a cooperative

agreement with Bexar County allowing the County to provide mandatory solid waste services in the Camelot II area.