

RESOLUTION NO.

WHEREAS, on May 17, 2007 the Austin City Council unanimously adopted Resolution #20070517-030 opposing the expansion application of the Allied BFI and Waste Management Community landfills; and

WHEREAS, the Rule 11 Agreement was signed by City Staff on October 31, 2008 and was not voted on or approved by the Austin City Council; and

WHEREAS, the City Council needs to be advised of the legality of the Rule 11 Agreement and all legal options with regards to the City of Austin's participation in the TCEQ administrative hearing in opposition of the expansion permit of the BFI landfill; and

WHEREAS, Allison, Bass & Associates, L.L.P. have extensive experience in working with local governments with regard to environmental and natural resources issues; including matters before the TCEQ and state and federal courts; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to enter into a contract on December 12, 2008 with Allison, Bass & Associates, L.L.P. to provide legal Counsel regarding the purported BFI/City of Austin settlement agreement and other

issues related to the TCEQ State Administrative Law Hearing, in an amount not to exceed \$25,000.

ADOPTED: _____, 2008

ATTEST: _____

Shirley A. Gentry
City Clerk