

#71 Revised
12-11-08

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; **NOW, THEREFORE,**

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

The City Manager is directed to assess and report to Council on the legal aspects of the BFI landfill expansion application and the Rule 11 Agreement with the City of Austin, with regard to the enforceability and legality of the agreement, and on options available to the City pertaining to supplementing, amending, or rescinding the agreement and the City's participation in the TCEQ administrative hearing.

BE IT FURTHER RESOLVED:

The Council recommends that the City Manager seek third party advice, using outside independent counsel in making this assessment.

BE IT FURTHER RESOLVED:

The City Manager present preliminary findings to the Council on December 18, 2008.

ADOPTED: _____, 2008

ATTEST:

Shirley A. Gentry
City Clerk

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