

**ORDINANCE NO.**

**AN ORDINANCE AMENDING ORDINANCE NO. 20170406-023, WHICH WAIVED CHAPTER 2-7, ARTICLE 6 (ANTI-LOBBYING AND PROCUREMENT) OF THE CITY CODE REGARDING SOLICITATIONS FOR THE COLLECTION, PROCESSING, RESALE, REUSE, AND/OR DISPOSAL OF MUNICIPAL SOLID WASTE, REFUSE, BIOSOLIDS, COMPOST, ORGANICS, SPECIAL WASTE AND RECYCLABLES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1. FINDINGS.** The city council readopts the findings set forth in Ordinance No. 20170406-023, Part 1. Findings, in their entirety and further adopts the following findings:

1. The city council formed a Waste Management Policy Working Group (“Working Group”) pursuant to Resolution No. 20170323-055 in order to examine and provide recommendations on “issues related to solid waste policy and contracts”; and
2. In order to allow all interested stakeholders to fully engage in, participate in, and provide input into the work of the Working Group, the city council temporarily waived the application of Chapter 2-7, Article 6 (Anti-Lobbying and Procurement) (“Anti-Lobbying Ordinance”) to all City solicitations for “municipal solid waste and waste related services” pursuant to Ordinance No. 20170406-0023; and
3. The Working Group has completed its work, and City staff has proposed recommended revisions to the Anti-Lobbying Ordinance; and
4. At its regularly called meeting on September 28, 2017, the city council deferred any action on the proposed revisions to the Anti-Lobbying Ordinance until such time as the Ethics Review Commission had reviewed the proposed recommendations and made its own recommendations to the city council; and
5. At its regularly called meeting on October 11, 2017, the Ethics Review Commission voted to refer review of the proposed revisions to the Anti-

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30 Lobbying Ordinance to its working group for further evaluation, and the  
31 Ethics Review Commission does not have a set time frame in which it will  
32 have final recommendations regarding the proposed revisions to the Anti-  
33 Lobbying Ordinance; and

- 34 6. Any revisions to the Anti-Lobbying Ordinance that the city council chooses to  
35 make will instigate an administrative rulemaking process that will take at least  
36 31 days to complete, and therefore no rules implementing adopted revisions to  
37 the Anti-Lobbying Ordinance will be in place until after that process is  
38 complete; and
- 39 7. The City had delayed the issuance of any further solicitations covered by  
40 Resolution No. 20170406-023 since that resolution had gone into effect, but  
41 due to operational needs has recently issued Request for Proposals No.  
42 CDL2003REBID soliciting proposals for beneficial reuse of biosolids  
43 (“Biosolids Solicitation”); and
- 44 8. The due date for responses to the Biosolids Solicitation was originally set for  
45 November 7, 2017 at 3:00 PM, and has or will subsequently be extended to  
46 November 19, 2017; and
- 47 9. The nature of the City’s need for ongoing services to be provided under the  
48 Biosolids Solicitation, without interruption, places a special time sensitivity  
49 on the process for the contract resulting from the Biosolids Solicitation; and
- 50 10. The fairness and integrity of the City’s solicitation processes necessitate the  
51 reinstatement of the Anti-Lobbying Ordinance [with regard to the Biosolids  
52 Solicitation], in a modified form as set out in this Ordinance; and
- 53
- 54 11. Any revisions to the Anti-Lobbying Ordinance and the subsequent  
55 promulgation of rules implementing those changes will not be finalized and  
56 effective until after the extended due date of the Biosolids Solicitation; and  
57
- 58 12. This action will not prevent any respondents or potential respondents to the  
59 Biosolids Solicitation from communicating with any City employee or official  
60 regarding any matter that is not related to that party’s response to the  
61 Biosolids Solicitation.

