



City of Austin

City Manager's Office

P.O. Box 1088, Austin, TX 78767
(512) 974-2200, Fax (512) 974-2833

TO: Mayor and Council Members

FROM: Robert Goode, P.E., Assistant City Manager

DATE: March 31, 2017

SUBJECT: **Items 22 & 23 on April 6 Agenda re: Waiver of Anti-Lobby Ordinance (ALO)**

Item #22 and #23 on the April 6, 2017 agenda propose waiving City Code Chapter 2 -7, Article 6, also known as the City's Anti-Lobbying Ordinance (ALO). This memo provides background on the issue and clarification on each item.

Background:

At the March 2 Council meeting, Council directed staff to identify the policy issues impacting various solid waste management contracts. During its March 23, 2017 meeting Council established a working group to develop policy recommendations for various waste management related services. To develop recommendations, stakeholders, including vendors who have submitted responses to solicitations for waste management related services for the City, will need to interact with the working group. Based on Council discussion and direction, staff believes the intent of the working group is to focus on a number of specific waste related solicitations that have come before Council in recent months, including:

1. Citywide refuse, recycling, organics, and special waste collections from City facilities (SLW0514)
2. Organics processing services (SLW0509REBID)
3. Sale and removal or compost materials (JXP0501); and,
4. Management of biosolids reuse (CDL2003)

The ALO is still in force and applicable only to solicitations #'s 1 and 2 above. In order for stakeholders associated with solicitations #1 and #2 to engage with the working group, it is necessary to waive the ALO for those solicitations. The ALO has expired and therefore is not in force or applicable to solicitation #'s 3 and 4 above. Therefore, waiver of the ALO is not required for solicitation #'s 3 and 4 and interested vendors/stakeholders on those solicitations can participate in the pending policy discussion.



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Item #22 – (Original Ordinance from March 23, 2017):

Item 46 during the March 23, 2017 meeting proposed an ordinance that would have waived the ALO for solicitations #1 and #2. Additionally, in order to establish a clear record, the March 23 ordinance noted that the ALO was no longer applicable to solicitations #3 and #4, so their participation in the working group is permissible and there is no need to waive the ALO for these solicitations.

Ultimately, Council postponed Item 46, citing concern from stakeholders that this ordinance was too narrow in scope and would prevent stakeholders from certain solicitations from participating. Staff is confident that the original ordinance featured in Item 46 is indeed broad enough to include all stakeholders associated with the referenced solicitations. Since you postponed this item, we must bring it back in its original form.

We have tried to address stakeholder concerns in the revised ordinance below.

Item #23 – (Revised Ordinance):

Like the original ordinance, this item would temporarily waive the ALO for the referenced solicitations that are currently subject to ALO, but broadens the scope of the waiver to also include all future solicitations (per stakeholder input) related to these waste management practices. The ALO waiver would automatically expire once Council, via recommendations from the working group, provides direction on the policy issues associated with these waste related issues.

The deadline for the working group to report back to Council is June 1st. To avoid any confusion as to the applicability of the ALO waiver, Council would need to take final action regarding the policy direction for these matters. There isn't a Council meeting scheduled for June 1st, so Council may want to take action at its subsequent meetings in June on either the 8th, 15th, or 22nd. If the revised ordinance is approved, failure to take any action or approving an amendment to the ordinance will result in the continued waiver of the ALO for all future solicitations related to waste management practices.

Staff understands Council's desire to develop the policy direction for these types of services and does not anticipate issuing any new solicitations while the working group is meeting. The broader nature of the revised ordinance is workable from staff's perspective; however it does appear to go beyond Council's March 2 direction to only



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waive the ALO for the solicitations in question and is certainly one of the policy issues that the Council working group, and ultimately the full Council, should consider.

Options

- 1) Council can choose to waive the ALO for the solicitations still in play and all future solicitations related to waste management services by adopting the revised ordinance.
- 2) Council can choose to waive the ALO for all solicitations still in play, thus allowing all stakeholders to participate in the discussion going forward, by approving the original ordinance. This action would allow the process of the Council task force to play out before you make the decision to waive the ALO for all future solicitations related to waste management services.

CC: Elaine Hart, Interim City Manager
James Scarboro, Purchasing Officer
Sam Angoori, Interim Director, Austin Resource Recovery
Greg Meszaros, Director, Austin Water