

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

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

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~~PART 2. AMENDMENT OF ORDINANCE NO. 20170406-023.~~

~~Ordinance No. 20170406-023, Part 2 is amended to add the following:~~

~~Notwithstanding the fact that it would otherwise be exempt from Chapter 2-7, Article 6-(Anti-Lobbying and Procurement) in its entirety, Chapter 2-7, Article 6-(Anti-Lobbying and Procurement) is only waived with respect to Request for Proposals No. CD1-2003RFBID to the following extent:~~

~~4. The No-Contact Period set out in section 2-7-101(6) shall not apply from the time Request for Proposals No. CD1-2003RFBID was issued through and to the date and time responses to Request for Proposals No. CD1-2003RFBID are finally due; and~~

~~2.1. Section 2-7-109 shall not apply to Request for Proposals No. CD1-2003RFBID.~~

PART 23. ORDINANCE NO. 20170406-023 REMAINS IN FULL FORCE FOR ONE HUNDRED EIGHTY DAYS.

As amended by this ordinance, Ordinance No. 20170406-023 will remain in full force and effect until one-hundred eighty days after the effective date of this ordinance.

[PART 34. This ordinance takes effect on _____, 2017.

PASSED AND APPROVED

_____	§	_____
_____	§	_____
_____, 2017	§	_____
		Steve Alder
		Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette Goodall
City Clerk