

## Bob Gregory

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**From:** Adam Gregory  
**Sent:** Tuesday, September 26, 2017 7:57 AM  
**To:** steve.adler@austintexas.gov; kathie.tovo@austintexas.gov; ora.houston@austintexas.gov; delia.garza@austintexas.gov; sabino.renteria@austintexas.gov; greg.casar@austintexas.gov; ann.kitchen@austintexas.gov; jimmy.flannigan@austintexas.gov; leslie.pool@austintexas.gov; ellen.troxclair@austintexas.gov; alison.alter@austintexas.gov  
**Cc:** Bob Gregory; mwhellan@gdhm.com; Mark Nathan; djbutts@sbcglobal.net; Ryan Hobbs  
**Subject:** Item #44 – Please honor original Council resolution and Working Group recommendations re: process

### Mayor Adler & Council Members:

TDS understands it may be Council's intent to postpone Item #44 (proposed changes to the Anti-Lobbying Ordinance) on this week's Council meeting agenda in order to honor your 3-23-17 [dais discussion](#) and [unanimous resolution](#) directing that each of the [recommendations](#) of the Council's Waste Management Policy Working Group be presented to Zero Waste Advisory Commission (ZWAC) and other appropriate boards and commissions PRIOR to Council consideration.

Our urgent request is that you please postpone Item #44 **NOT until a date certain** (based on a stated “emergency” with biosolids – see below, contract term ends **April 2018**) but rather until such time as Council has 1) received the input of ZWAC and all other appropriate boards and commissions; 2) received the input of stakeholders; and 3) received draft proposed administrative rules to accompany City management's draft proposed ordinance.

We would request that City management honor the 3-23-17 Council direction, as well as the subsequent recommendations of the Waste Management Policy Working Group, in at least these three ways:

- 1. As per the original Council discussion and resolution, present each of the recommendations of the Waste Management Policy Working Group to ZWAC AND other appropriate boards and commissions BEFORE presentation to Council.** For proposed changes to the Anti-Lobbying Ordinance (ALO) resulting from the Working Group recommendations, please direct City management to seek the input of both ZWAC and the Ethics Review Commission, at a minimum; for OTHER proposed policy changes resulting from the Working Group recommendations, including recommendations related to biosolids and landfills, please direct City management to present to ZWAC, the Water / Wastewater Commission and / or the Environmental Board, at a minimum. As the original Council resolution recognized and all stakeholders would undoubtedly agree, all appropriate citizen boards and commissions should have the opportunity to provide Council with their input on any proposed policy change resulting from the Working Group recommendations.
- 2. As per the recommendations of the Working Group with regard to the ALO, please direct City management to "receive and compile further stakeholder input for Council" as "revisions to the ALO may require continued participation from stakeholders."** As of now, Working Group stakeholders have NOT had the opportunity to provide any input with regard to the proposed revised ALO. Ideally this opportunity should occur after the proposed changes to the ALO have been presented to ZWAC and other appropriate boards and commissions.

3. **VERY importantly, as per the recommendations of the Working Group with regard to the ALO, please direct City management to draft and present "a body of rules in a companion regulatory document to the ALO that defines enforcement, appeal, complain and debarment procedures...for approval by Council."** Indeed, as the Working Group was specific in recommending that the ALO's administrative rules be approved by Council, TDS was concerned to see that when City management posted Item #44's draft ALO ordinance there were not only no accompanying draft administrative rules for Council to review but in fact language in the proposed revised ordinance that assigned final approval of administrative rules to management rather than Council.

**We understand that Austin Water staff may be requesting near-term Council action with regard to City management's proposed revised ALO in order to facilitate the release of a pending solicitation for biosolids management.** TDS strongly urges that Council not be rushed into making complicated, long-term and potentially far-reaching policy changes in answer to a stated "emergency". In this case, the current contract for biosolids management in fact extends into April 2018, leaving ample time for the Working Group recommendations to go through an appropriate public process. Regardless, Austin Water could also simply choose now to issue the pending biosolids management solicitation without the ALO in effect, as there are only two likely respondents to the solicitation, both of whom are well known to Council and management.

Thank you again for your decision to postpone Item #44 and for your attention to this urgent request. As always, please do not hesitate to contact me directly with questions or concerns.

Respectfully,

Adam Gregory  
Texas Disposal Systems