

Council members, I'm Michael Whellan on behalf of Texas Disposal Systems.

Thank you for allowing me to speak to you about Item 5, which is staff's proposed revision to the Anti-Lobbying Ordinance, or ALO.

Staff will be asking you today for approval to proceed to the full Council with their proposed Version 3 draft.

Unfortunately, we have to ask you NOT to give your support to staff's draft today.

Instead, we are asking you to ask staff some direct questions about WHY key reforms that have been recommended by various advisory and stakeholder groups are NOT included in their draft.

Remember that this began more than a year ago, when the Council waived the ALO for all waste solicitations to let stakeholders participate in the Waste Management Policy Working Group process.

That Working Group, chaired by Council Member Pool, then issued specific recommendations for reforming the ALO.

Since then we've also had recommendations from the Ethics Review Commission, Zero Waste Advisory Commission, Texas Campaign for the Environment, and others.

What's extraordinary is that there was broad agreement on key reforms among nearly all of these groups, and yet almost NONE of those reforms are included in staff's draft.

This includes creating a third-party appeals process, so if a respondent is disqualified, they can appeal to someone other than the staff who disqualified them.

The Working Group, the ERC, the ZWAC, and TCE, as well as TDS, ALL made that recommendation, and yet staff's draft does not include it.

Likewise, nearly every group, including the Working Group, also recommended that the administrative rules for the ALO be reviewed and approved by Council, but staff's draft does not include that either.

Another area of agreement had to do with narrowing the definition of prohibited communications, and the timing of the restricted contact period, to ensure the ALO is preventing LOBBYING without preventing policymakers from getting INFORMATION.

Instead staff's draft actually EXPANDS rather than narrows the definition of prohibited communications, to now include "substantive information about any respondent or response."

Staff's draft also creates no window during the process for respondents to communicate about policy issues, when in most cases the solicitation has never been seen before the restricted contact period begins.

This means that the very people who may know the most about the policy implications of a solicitation – to use a real example, when a solicitation would have allowed the Dillo Dirt program to be eliminated – are prohibited from sharing that information with policymakers.

There are other areas of concern as well – for example, subjectivity in enforcement provisions, as well as the compelled recusal of City officials, which is simply inappropriate.

I hope we'll have more time to talk about this, but one idea that has come up in our conversations has to do with creating a public bulletin board for vendors, which could address some of these concerns, and we think that has some promise.

But overall, we are very, very concerned that after nearly a year-long process, staff's proposed ALO has mostly ignored input from advisory groups and stakeholders on key reforms, and really differs only very little from the current ordinance.

So again, we are asking you today to NOT give your support to staff's draft but instead to ask staff WHY they have refused to incorporate key reforms.

Indeed we hope that YOU will support those reforms, and will give specific direction to staff today to incorporate them into a Version FOUR draft before this moves on to the full Council.

Thank you for your time.