

July 2, 2024

TO: City Manager, Mayor, and City Council

FROM: Mark Kennedy, City Attorney

RE: Resolution 2016R-53

Dear City Manager, Mayor and Council:

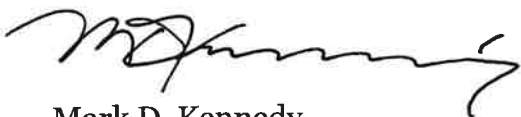
Some eight years ago, the City of Seguin joined with other local entities to express opposition to an application for a landfill permit associated with what is now called the Post Oak Landfill. After the permit was granted, that contest eventually found its way on appeal to a District Court in Travis County, Texas, where it lingered.

Meantime, Post Oak Clean Green, Inc. operated the landfill for the last 6+ years without incident. During this time period, the City has operated under a resolution passed in 2016 (2016R-53), which forbade disposal of City solid waste at the Post Oak Landfill.

In early 2024, recognizing the unlikelihood that the Plaintiff parties would prevail in the appeal, the Travis County District Court case was non-suited by all parties, including the City of Seguin, the City of Schertz, and Schertz-Seguin Local Government Corporation.

The Post Oak Landfill now has a Citizens Convenience Center that accommodates solid waste drop-offs by local residents, and Post Oak Clean Green, Inc. recently gave a public presentation on its initiatives to protect against environmental impacts that could be caused by the landfill. Recognizing that the Post Oak Landfill will continue to operate for the foreseeable future and recognizing the savings associated with using a landfill nearer to the City, Staff recommends rescission of 2016R-53, which would allow Waste Connections to utilize any local landfill for the disposal of Solid Waste associated with the City of Seguin Franchise Agreement.

Sincerely,



Mark D. Kennedy
City Attorney