

# Mayor and Council Communication

**DATE:** 02/14/23

**M&C FILE NUMBER:** M&C 23-0063

**LOG NAME:** 12LANDFILLGASCOUNSEL

**SUBJECT**

(ALL) Adopt a Resolution Authorizing Employment of Porter Hedges LLP as Outside Legal Counsel for Assistance to the City Attorney's Office Related to the City's Southeast Landfill Lease and Landfill Gas Related Matters

---

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached resolution authorizing employment of Porter Hedges LLP as outside legal counsel for assistance to the City Attorney's Office related to the City's Southeast Landfill lease and landfill gas related matters.

---

**DISCUSSION:**

On January 28, 2003, the City entered into a lease agreement (Lease) with Allied Waste Systems, Inc., d/b/a Republic Services (Republic), for the lease and operation of the City's Southeast Landfill known as City Secretary Contract No. 28336. The Contract and ensuing amendments allowed Republic to lease and operate the landfill and use landfill gas on the site in agreement with the City.

Environmental law and the legal issues concerning landfill gas in particular requires special legal expertise of a nature that the City typically does not deal with in its regular course of business. As a result, the City Attorney is requesting the City Council's consent for retention of Joel Goldberg at Porter Hedges LLP, for assistance in this matter. The cost for this service is expected to not exceed \$12,000.00. In accordance with the City Charter, the City Council must adopt a Resolution and provide authorization for this service.

Funding is budgeted in the Consultant & Other Prof Services account of the Solid Waste Administration Department within the Solid Waste Fund.

This will serve ALL COUNCIL DISTRICTS.

---

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon approval of the recommendation, funds are available in the current operating budget, as previously appropriated, in the Solid Waste Fund. Prior to an expenditure being made, the Code Compliance Department has the responsibility to validate the availability of funds.

**Submitted for City Manager's Office by:** ALL ACMs 6122

**Originating Business Unit Head:** Leann Guzman 8973

**Additional Information Contact:** Christopher Austria 7619

Expedited