

**ORDINANCE NO.  
532**

**AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS, GRANTING AN EXCLUSIVE FRANCHISE FOR THE COLLECTION OF RESIDENTIAL SOLID WASTE AND RECYCLING; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council finds the City of Bee Cave is a Texas Home-Rule Municipality and that the City has the exclusive control over and under the public highways, streets, and alleys within the City, as established by Texas Transportation Code, Section 311.001;

**WHEREAS**, the City Council finds that the City Council has the power to confer upon any person, firm, corporation or other legal entity the franchise or right to use the public property of the City for the purpose of furnishing to the public any general public service or benefit, subject to State Law, as established in Section 12.01 of the City Charter;

**WHEREAS**, the City Council finds that the City Council of the City of Bee Cave has the exclusive authority to grant to a person a franchise to use public streets within the City of Bee Cave, as established by Texas Transportation Code Section 311.071; and

**WHEREAS**, the City Council finds that granting an exclusive franchise for the collection of residential solid waste and recycling serves to protect the health and safety of residents of the City of Bee Cave and allows for the efficient operation of the governmental function of solid waste collection and disposal;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**Section 2. Grant of Franchise.** The City hereby grants to Texas Disposal Systems, Inc. an exclusive franchise to use the public streets, alleys, and thoroughfares within the territorial jurisdiction of the City to collect and dispose of residential solid waste and refuse and to provide recycling services; such franchise shall be for an initial term of five years, and shall be automatically extended for additional terms of five years thereafter, unless the City or Texas Disposal Systems, Inc. terminates the "Contract for Municipal Solid Waste Collection and Disposal Services" in accordance with the terms of that agreement, in which case the franchise granted hereby shall terminate simultaneously with the termination of that agreement.

**Section 3. Execution of Agreement.** The Mayor is hereby authorized to execute a "Contract for Municipal Solid Waste Collection and Disposal Services" with Texas Disposal Systems, Inc., substantially in the form attached hereto as Exhibit "A," with changes in form as may be approved by the City Attorney.

**Section 4. Cumulative.** This Ordinance shall be cumulative of all other ordinances of the City of Bee Cave, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Bee Cave except insofar as the provisions thereof might be inconsistent or in conflict with the provisions

of this ordinance, in which event such conflicting provisions, if any, are hereby repealed. This Ordinance shall not be construed to require or allow any act which is prohibited by state law.

**Section 5. Severability.** If any provision, section, sentence, clauses or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Bee Cave in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions or regulation.

**Section 6. Effective Date.** This ordinance shall be in full force and effect upon and after its date of adoption in accordance with Section 10.02 of the City Charter.

**Section 7. Proper Notice and Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

APPROVED AND ADOPTED this 9<sup>th</sup> day of April 2024.

CITY OF BEE CAVE, TEXAS

By: Kara King  
Kara King, Mayor

ATTEST:

[Signature]  
Thomas Hatfield, Interim City Secretary

APPROVED AS TO FORM:

[Signature]  
Ryan S. Henry, City Attorney  
Law Offices of Ryan Henry, PLLC.