



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER _____

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DATE: 06/18/2024

SUBJECT: RESCIND COURT ORDER NO. 143221 RELATED TO THE ADOPTION OF AN ORDER FOR THE ISSUANCE OF SOLID WASTE DISPOSAL REVENUE BONDS BY THE MISSION ECONOMIC DEVELOPMENT CORPORATION FOR THE BENEFIT OF REPUBLIC SERVICES, INC. FOR CERTAIN FACILITIES LOCATED IN TARRANT COUNTY AND THROUGHOUT TEXAS

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court rescind Court Order No. 143221 related to the approval of the “Order With Respect to Republic Services, Inc. Project” approving the issuance of tax-exempt Solid Waste Disposal Revenue Bonds Series 2024 by Mission Economic Development Corporation (MEDC).

BACKGROUND

On June 4, 2024, the Commissioners Court adopted an order related to the issuance of Solid Waste Disposal Revenue Bonds by the MEDC for the benefit of Republic Services, Inc. (Republic Services). The bond issuance was for a total of \$133,000,000.00 in new bonds as part of a plan of finance for capital improvements, of which \$13,000,000.00 was allocated to a facility located in Tarrant County at 800 Mosier Valley Road, Euless, Texas 76040. The \$13,000,000.00 allocation would be used to build new cells within the already existing landfill. A cell is a section of land that is lined and filled with layers of waste material, soil, and other material and is designed to provide containment for waste material, reduce leachate generation, and provide a barrier between the waste and the environment. The Order relates to approvals required for the proposed issuance by the MEDC of these Bonds. In order to permit Republic Services to use proceeds of tax-exempt Bonds for the solid waste disposal facilities located in Tarrant County, approval of the Commissioners Court is required: (i) under Texas law (for the MEDC Issuer’s Bonds) pursuant to the Development Corporation Act, Local Government Code, Chapter 501, as amended and (ii) under federal tax law a public hearing must be held pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended. Within the information packet received, there was an Affidavit of Publication executed by McClatchy stating that the Notice of Public Hearing was published in the Star-Telegram.

After Court approval on June 4th, Tarrant County received notification that this posting never officially ran. This contradicts the Affidavit of Publication provided by McClatchy and relied upon by Tarrant County in which a representative of McClatchy stated under oath the notice was published in the Star-Telegram on April 5, 2024. McClatchy failed to notify Bracewell who serves as Bond Counsel for the company and is responsible for posting the public notice. Rescinding the previously approved Order is a matter of record and does not impact Tarrant County.

SUBMITTED BY:	Administrator's Office	PREPARED BY: APPROVED BY:	Maegan P. South
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FISCAL IMPACT

This action does not impact Tarrant County as Tarrant County has no financial obligation related to this matter.