



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 2, 2018

Steve Adler, Mayor
Ora Houston, Council Member
Delia Garza, Council Member
Sabino Renteria, Council Member
Gregorio Casar, Council Member
Ann Kitchen, Council Member
Jimmy Flannigan, Council Member

Leslie Pool, Council Member
Ellen Troxclair, Council Member
Kathie Tovo, Council Member
Alison Alter, Council Member
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

Mr. Mayor and City Council Members,

As you are aware, the Texas Health and Safety Code prohibits any city from making a rule to “prohibit, restrict, for solid waste management purposes, the sale or use of a container or package in a manner not authorized by state law.”

The Texas Supreme Court in *City of Laredo v. Laredo Merchants Association* effectively invalidated bag bans across Texas as they violate Texas law regulating solid waste disposal. A copy of that opinion is enclosed.

As you may be aware, the bag ban ordinance of your city and others was specifically mentioned by the Supreme Court in its opinion in that they are substantively indistinguishable from the ordinance in Laredo. Therefore, as I am doing with other Texas municipalities, I am writing to ensure that your city is aware of this ruling and knows that your ordinance is now unenforceable.

Clearly, in enacting the Solid Waste Disposal Act, the Legislature did not want the burden of solid waste management imposed upon citizens and retailers through the banning of various forms of bag and containers. While your city may have a different policy perspective on the value of bag bans, the Supreme Court was clear that “[t]he wisdom or expediency of the law is the Legislature’s prerogative, not ours.”

While we all have a right to engage in the legislative process to mold and shape the course of Texas law, we are all equally required to comply with the law. If my office can help you regarding compliance with the Solid Waste Disposal Act, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Ken Paxton".

Ken Paxton
Attorney General of Texas

cc: Texas Food and Fuel Association
Laredo Merchants Association



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July 2, 2018

Rose Cardona, Mayor
Ketan Kharod, Mayor Pro Tem
Marc Bruner, Council Member
Walter Jenkins, Council Member
Mickie Powers, Council Member

Rudi Rosengarten, Council Member
City of Sunset Valley
3205 Jones Road
Sunset Valley, Texas 78745

Madam Mayor and City Council Members,

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Dennis Stahl, Mayor
Paul Munarriz, Mayor Pro Tem
Ron Pitcock, Council Member
Theresa Metty, Council Member
Alita Bagley, Council Member

Ken Medders, Jr., Council Member
City of South Padre Island
4601 Padre Blvd
South Padre Island, Texas 78597

Mr. Mayor and City Council Members,

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Charles R. Bujan, Mayor
Beverly Bolner, Council Member
Bruce Clark, Council Member
Charles Crawford, Jr., Council Member
Joan Holt, Council Member

Wendy Moore, Council Member
Beth Owens, Council Member
City of Port Aransas
710 W. Ave A, City Hall
Port Aransas, Texas 78373

Mr. Mayor and City Council Members,

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Susie Houston, Mayor
Mike Carter, Mayor Pro Tem
Frank T. Davalos Jr., Council Member
Rolando Gonzalez, Council Member
Nadine Smith, Council Member

Victor Worrell, Council Member
Johvonne Hernandez-Howard, Council Member
City of Laguna Vista
122 Fernandez Street
Laguna Vista, Texas 78578

Madam Mayor and City Council Members,

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Chris Alexander, Mayor
Ruben Falcon, Council Member
Pam P. Palileo, Council Member
Dino Ramirez, Council Member
Mike Ureta, Council Member

James Warnock, Council Member
Jesse Gonzales, Council Member
City of Fort Stockton
P.O. Box 1000
Fort Stockton, Texas 79735

Mr. Mayor and City Council Members,

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Ramsey English Cantu, Mayor
Yolanda P. Ramon, Mayor Pro Tem
William Davis, Council Member
Luis Sifuentes, Council Member

Rodolfo Villalpando, Council Member
City of Eagle Pass
100 S. Monroe, City Hall
Eagle Pass, Texas 78852

Mr. Mayor and City Council Members,

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Joe McComb, Mayor
Paulette M. Guajardo, Council Member
Michael T. Hunter, Council Member
Debbie Lindsey-Opel, Council Member
Everette Roy, Council Member
Ben Molina, Council Member

Lucy Rubio, Council Member
Greg Smith, Council Member
Rudy Garza, Jr., Council Member
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469

Mr. Mayor and City Council Members,

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Tony Martinez, Mayor
Cesar De León, Commissioner
Rose M. Z. Gowen, Commissioner
Ricardo Longoria Jr., Commissioner
Jessica Tetreau-Kalifa, Commissioner

Joel Munguia, Commissioner
Ben Neece, Commissioner
City of Brownsville
P.O. Box 911
Brownsville, Texas 78520

Mr. Mayor and City Commissioners,

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Jerry L. Phillips, Mayor
Country Preston-Roark, Council Member
Richard Jackson, Council Member
Julio Pena Jr., Council Member
Bobby V. Slaughter, Council Member

Norma Carrillo, Council Member
City of Kermit
114 South Tornillo Street
Kermit, Texas 79745

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Arnold Cantu, Mayor
Fernando Carballeira, Mayor Pro Tem
Carlos Salinas, Alderman
Debbie Martinez, Alderwoman
Martin Martinez, Jr., Alderman

Lando Hinojosa, Alderman
City of Freer
P.O. Drawer N
Freer, Texas 78357

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