RESOLUTION # 11-44

A RESOLUTION OF THE ALBANY CITY COUNCIL ADOPTING THE DISPOSAL SERVICE AGREEMENT BETWEEN THE CITY OF ALBANY AND WASTE MANAGEMENT OF ALAMEDA COUNTY, INC.

WHEREAS, the State of California, through enactment of the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et. seq.) recognizes the important health and safety consideration to long-term planning for local government's adequate Disposal needs. The California Integrated Waste Management Act of 1989 declares that the responsibility for management of Solid Waste is a shared responsibility between the State and local governments. The State requires local governments to make adequate provision for at least fifteen (15) years of Solid Waste Disposal capacity to preserve the health, safety and well-being of the public. The California Integrated Waste Management Act of 1989 also authorizes local governments to enter into exclusive franchise contracts to provide Solid Waste handling services for the health, safety and wellbeing of its citizens (California Public Resources Code Section 40059); and,

WHEREAS, the City Council of the City of Albany determines, pursuant to its police powers, that obtaining a long-term commitment for processing, Transfer and Disposal, of Discarded Materials generated in the City is in the best interests of the health, safety and wellbeing of the citizens of the City; and,

WHEREAS, Section 15.2 of the City's Municipal Code establishes the City's authority to provide for the Collection and Disposal of Solid Waste through a contract with a solid waste collection provider; and

WHEREAS, this Agreement also advances the objectives of the federal government to encourage environmentally sound solid waste management (Resource Conservation and Recovery Act of 1976 (RCRA), 42, U.S.C. Section 6941 et. seq.); and,

WHEREAS, the City Council has determined, based on Waste Management of Alameda County Inc.'s (Contractor) past performance, that Contractor, by demonstrated experience, reputation and capacity, is qualified to provide for the Collection of Solid Waste, Recyclable Materials, and Organic Materials within the corporate limits of the City, and the Transportation of such material to appropriate places of Processing, Recycling, Composting, and/or Disposal; and City Council desires that Contractor be engaged to perform such services on the basis set forth in this Agreement; and

WHEREAS, the City has entered into a Collection Service Agreement with Contractor to provide Collection Services within the City; and,

WHEREAS, the Transfer Station is intended to be the principal facility for the processing and Transfer of Discarded Materials generated in the City; and,

WHEREAS, the Disposal Facility is intended to be the principal facility for the Disposal of Discarded Materials generated in the City; and,

WHEREAS, the Contractor guarantees permitted capacity at the Transfer Station and Disposal Facility for up to twenty (20) years for processing, Transfer, and Disposal of all Discarded Materials generated in the City; and,

WHEREAS, this Agreement has been developed by and is satisfactory to the Parties.

NOW, THEREFORE, BE IT RESOLVED that the City Council adopts the Disposal Service Agreement between the City of Albany and Waste Management of Alameda County, Inc.

FURTHER RESOLVED that the agreement shall commence on November 1, 2011 for a term of twenty years, with the option of a five-year extension at the sole discretion of the City.

Mayor Farid Javandel

City of Albany
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RESOLUTION NO. 2011-44

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 17th day of October , 2011 , by the following votes:

AYES: Council Members Atkinson, Lieber, Wile and Mayor Javandel

NOES: Council Member Thomsen

ABSENT:

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

19th Day of October, 2011.

Eileen Harrington

Eileen Harrington
DEPUTY CITY CLERK