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## **RESOLUTION** # 2011-45

A RESOLUTION OF THE ALBANY CITY COUNCIL ADOPTING THE COLLECTION SERVICE AGREEMENT BETWEEN THE CITY OF ALBANY AND WASTE MANAGEMENT OF ALAMEDA COUNTY INC. FOR SOLID WASTE, RECYCLABLE, AND ORGANICS MATERIAL SERVICES

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 Collection, 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**, the Alameda County Waste Reduction and Recycling Initiative Charter Amendment (Measure D) established a countywide goal of 75% reduction of waste going to landfills, adopted by City Council Resolution No. 07-51; and

**WHEREAS**, in 2009 the City Council adopted a Climate Action Plan that includes the goal of creating a zero waste community; and

**WHEREAS,** the franchise agreement with Waste Management of Alameda County Inc. (Contractor) provides a number of new diversion services to further increase the City's overall diversion of waste from the landfill; and

WHEREAS, the City Council has determined, based on Contractor's 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 the City Council desires that Contractor be engaged to perform such services on the basis set forth in the Agreement; and

**WHEREAS**, the 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.

1	FURTHER RESOLVED that the agreement shall commence on November 1,
2	2011 for a term of ten years, with the option of two five-year extensions subject to the
3	mutual agreement of the City and the Contractor.
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