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**RESOLUTION NO. 2024-15**

**A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A NEW “SOLID WASTE COLLECTION SERVICE AGREEMENT” AND THE “FIRST AMENDMENT TO PROCESSING, TRANSFER, AND DISPOSAL SERVICE AGREEMENT BETWEEN THE CITY OF ALBANY AND WASTE MANAGEMENT OF ALAMEDA COUNTY, INC.”**

**WHEREAS,** through the enactment of the California Integrated Waste Management Act of 1989 (California Public Resources Code section 40000 et seq.) (“AB 939”), the California State Legislature has declared that it is in the public interest to authorize and require local agencies to make adequate provisions for Solid Waste Management Services within their jurisdictions to meet the goals and requirements of AB 939; and

**WHEREAS,** pursuant to California Public Resources Code section 40059(a)(2), the City has determined that, in order to protect the health, safety and welfare of the residents and businesses within the City, it is appropriate to provide for waste management services by a private hauler as an alternative to providing such services through public resources, and that an exclusive franchise with a qualified company is the best means to provide for the handling of Solid Waste and Recyclables and other services to meet the goals and requirements of AB 939; and

**WHEREAS,** pursuant to California Public Resources Code Section 40059, the City may impose terms and conditions on the award of a Solid Waste franchise if, in the opinion of the City Council, the public health, safety and welfare require the imposition of those terms and conditions; and

**WHEREAS,** the City finds that the voters of Alameda County, through the Alameda County Source Reduction and Recycling Plan required by the Waste Reduction and Recycling Act of 1990 (Measure D), have adopted a policy goal to reduce the total quantity of Solid Waste landfilled in Alameda County; and

1           **WHEREAS**, under Section 15-2.6 of Chapter 15.2 of the City’s Municipal Code, the  
2 City has the authority to provide for the Collection of Solid Waste through a contract with a  
3 solid waste collection provider; and

4  
5           **WHEREAS**, currently, there are two separate agreements approved in 2011, both with  
6 Waste Management of Alameda County (WMAC). The first is the Collection Service  
7 Agreement, which covers the pickup in Albany, and transport to the WMAC facility on Davis  
8 Street in San Leandro, of waste destined for landfill, recycling, and organic composting. The  
9 second agreement is the Processing, Transfer and Disposal Service Agreement, which covers  
10 the ultimate disposition of the three waste streams; and

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12           **WHEREAS**, since the current agreements were reached in 2011, costs of collection  
13 and disposal of collected materials have changed dramatically; and

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15           **WHEREAS**, significant changes in state law require more attention to both  
16 commercial and residential disposal practices, monitoring, and enforcement; and

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18           **WHEREAS**, WMAC has represented and warranted to the City that it has the  
19 experience, responsibility, and qualifications to provide the required Solid Waste Management  
20 Services as stated in the proposed Agreements; and

21  
22           **WHEREAS**, the City Council has determined that WMAC, by demonstrated  
23 experience, reputation and capacity, is qualified to continue to exclusively provide for the  
24 collection of Solid Waste within the corporate limits of the City and to transport such Solid  
25 Waste to places of processing and disposal, which may be designated in accordance with the  
26 proposed Agreements, and City and WMAC desire that WMAC be engaged to perform such  
27 services on the terms and conditions set forth in the proposed Agreements; and

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29           **WHEREAS**, the City Council has determined that the public health, safety, and  
welfare require that Solid Waste Management Services, including, but not limited to, the

1 frequency of collection, the means of collection and the transportation, scope of services,  
2 charges and fees, location and extent of such service be governed by and provided under the  
3 terms of the proposed Agreements; and

4  
5 **WHEREAS**, the proposed Collection Agreement between the City of Albany and  
6 Waste Management includes an annual Franchise Fee in the amount of 10 percent of gross  
7 revenues, an annual Street Sweeping Fee in the amount of 2.5 percent of gross revenues, an  
8 annual Administrative Fee in the amount of 1 percent of gross revenues; and

9  
10 **WHEREAS**, the City of Albany has conducted an analysis of the proposed Franchise  
11 Fee based on the City's actual cost of providing solid waste-related services and the reasonable  
12 values of City property used for solid waste services, which justifies the City's annual  
13 Franchise Fee amounts; and

14  
15 **WHEREAS**, the City of Albany has conducted an analysis of the proposed Street  
16 Sweeping Fee and determined that the fee does not exceed the City's reasonable costs of  
17 addressing the impacts of refuse vehicles on City streets; and

18  
19 **WHEREAS**, the City of Albany has conducted an analysis of the proposed  
20 Administration Fee and determined that the fee does not exceed the City's reasonable costs of  
21 addressing the administering the implementation of the Collection Agreement; and

22  
23 **WHEREAS**, the rates for solid waste service are set and imposed by Waste  
24 Management and the City's Franchise Fee and Street Sweeping Fee are set by the Collection  
25 Agreement, and by adopting this resolution, the City does not intend to impose any rates, fees,  
26 or charges on solid waste customers. However, to the extent that the adoption of this resolution  
27 results in the City's imposition of any fees, rates, or charges, on solid waste customers, for  
28 services or facilities in connection with a solid waste system, including the Franchise Fee or  
29 the Street Sweeping Fee, those charges are adopted pursuant to California Health and Safety  
Code section 5471; and

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**WHEREAS**, on March 18, 2024, the City Council held a duly noticed public hearing to consider approval of the Collection Agreement to WMAC, inclusive of the Franchise Fee, Street Sweeping Fee, and received public testimony thereon; and

**WHEREAS**, the City of Albany has determined that award of such Collection Agreement, inclusive of the Franchise Fee, Street Sweeping Fee, are proper, in the best interest of all citizens, and will promote public health, safety and welfare.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albany City Council hereby authorizes the City Manager to execute the “Solid Waste Collection Service Agreement” (Attachment A) and the “First Amendment to Processing, Transfer, And Disposal Service Agreement” (Attachment B) Between The City Of Albany And Waste Management Of Alameda County, Inc.; and

**BE IT FURTHER RESOLVED**, that the Albany City Council determines that the City’s Franchise Fee, Street Sweeping Fee, and Administration Fee comply with Article XIII C of the California Constitution and are justified by the City’s costs of providing solid waste-related services, reasonable charges for the use of City property for solid waste services, and the City’s costs of addressing the impacts of solid waste refuse vehicles.

  

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JOHN MIKI, MAYOR

**EXHIBITS:**  
Attachment A – “Solid Waste Collection Service Agreement” Between The City Of Albany and Waste Management Of Alameda County, Inc.  
Attachment B – “First Amendment to Processing, Transfer, And Disposal Service Agreement” Between The City Of Albany And Waste Management Of Alameda County, Inc.



# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

## RESOLUTION NO. 2024-15

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

The 18th day of March, 2024, by the following votes:

AYES: Council Members Hansen-Romero, Jordan, López, Tiedemann and

Mayor Miki

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

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

19th day of March, 2024.

Anne Hsu  
CITY CLERK

*Albany is committed to providing a healthy, safe, and accessible city,  
and strives to lift every voice in our community.*