RESOLUTION NO. 2026-50

A RESOLUTION OF THE ALBANY CITY COUNCIL CONFIRMING THE REPORT AND SPECIAL ASSESSMENT LIST ASSOCIATED WITH DELINQUENT GARBAGE BILLS AND AUTHORIZING THE DELINQUENT CHARGES BE PLACED ON THE ALAMEDA COUNTY PROPERTY TAX ROLL

WHEREAS, on November 18, 2013, Council passed Ordinance No. 2013-02 amending Section 15-2.4 of the Albany Municipal Code to authorize collection of delinquent solid waste collection and disposal charges; and

WHEREAS, Section 15-2.4 (Exhibit A) provides that delinquent charges that remain unpaid by the residential customer shall constitute an assessment against the property to which service was rendered and shall be collected at such time as established by the County Assessor for inclusion in the next property tax assessment; and

WHEREAS, Section 8.7.7 of the 2024 Franchise Agreement between the City of Albany and Waste Management of Alameda County (Exhibit B) requires the City cooperate with Waste Management in the implementation of the special assessment process to collection of specified delinquent accounts; and

WHEREAS, the City's franchisee, Waste Management of Alameda County, and the City of Albany, have provided written notice informing the account holder and the property owner of the delinquent status of the charges, of the potential for assessment upon the property tax roll and of the imposition of administrative charges in connection with such assessment, and of the intent to hold a public hearing on July 6, 2026; and

WHEREAS, attached is an itemized report listing property owners in the City of Albany (Exhibit C) who have incurred delinquent garbage bills, that are subject to special assessment; and

WHEREAS, the Albany City Council held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed special assessment.

NOW, THEREFORE, BE IT RESOLVED, that the Albany City Council hereby confirms the report and special assessment list associated with delinquent garbage bills; and

BE IT FURTHER RESOLVED, that all unpaid assessments confirmed hereby shall be transmitted to the Alameda County Assessor for collection on the property tax roll.

PEGGY McQUAID, MAYOR

<u>ATTACHMENTS:</u>

Exhibit A – Section 15-2.4 of the Albany Municipal Code

Exhibit B – Section 8.7.7 of the 2024 Franchise Collection Agreement between the City of Albany and Waste Management of Alameda County

Exhibit C – Report listing property owners in the City of Albany that are subject to special assessment

§ 15-2.4. Fee for Provision of Service by City's Franchisee; Collection of Delinquent Charges. [Ord. #04-01, § 1; Ord. #2013-02, § 1]

a. Every person who uses the collection services of the City's franchisee shall pay a fee for the services, as established in a resolution adopted by the City Council pursuant to the franchise agreement.

b. The City's franchisee shall bill customers directly for service.

c. The City's franchisee shall reconcile payments by customers against amounts billed to verify any delinquency in payment by customers.

d. If a customer fails to pay a bill in full within ninety (90) days from the due date, the franchisee shall undertake collection of the bill. The franchisee shall provide delinquency notices to customers but may not discontinue service to their properties. Franchisee shall make reasonable efforts to obtain payment through such measures as late payment notices, telephone requests for payment, and assistance from collection agencies.

e. If a residential bill for a single-family account remains unpaid after ninety (90) days from the original due date, the franchisee shall send a 90-day notice. The 90-day notice shall include a notice informing the owner of the delinquent status of the charges, of the potential for assessment upon the property tax roll and of the imposition of administrative charges in connection with such assessment.

f. The delinquent charges which remain unpaid by the residential customer shall constitute an assessment against the property to which service was rendered and shall be collected at such time as established by the County Assessor for inclusion in the next property tax assessment. The City may enforce payment of such delinquent charges in the following manner:

   1. Upon receipt of verified information from the franchisee detailing delinquent charges and establishing that franchisee has made reasonable efforts to collect the delinquent charges, including provision of delinquent charge notices to the property owners, the Finance Director shall transmit to the City Council a report of delinquent charges. Once said report has been confirmed, the delinquent charges and the added costs shall be assessed upon the property and shall constitute a special assessment against the same.

   2. The Finance Director shall turn over to the County Assessor for inclusion in the next property tax assessment the total sum of unpaid delinquent charges consisting of the delinquent garbage collection service charges and administrative charges.

   3. The assessment may be collected at the same time and in the manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure of sale as provided for delinquent, ordinary, municipal taxes. The assessment shall be subordinate to all existing liens previously imposed upon the property and paramount to all other liens except for those of State, County and municipal taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest and charges due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessments.

g. Any notice required to be given pursuant to this subsection shall be deemed served as of the date of personal service upon the owner or five (5) days after deposit of said notice, postage prepaid in the United States Mail addressed to the owner at the address listed on the most recent County Assessor's tax roll.

receivables that are past due ninety (90) days as a percentage of the balance of total accounts receivable. Contractor may discontinue services to Commercial Customers that are past due 90 days.

8.7.7. Special Assessment Process. Contractor shall have the right to utilize the special assessment process set forth in Exhibit E and Municipal Code section 15-2.4 for all SFD and MFD accounts that are delinquent for ninety (90) or more days. City will cooperate with Contractor in the implementation of the special assessment process and the collection of the special assessment. All funds collected as part of the special assessment process representing the portion owed to Contractor (including late fees and other charges permitted under this Agreement) shall be remitted to the Contractor and any remaining funds collected shall be retained by City.

8.7.8. Customer-Specific Billing Instructions.

8.7.8.1. SFD Billing. Bills for SFD service shall be mailed to Customers quarterly in advance of the provision of service.

8.7.8.2. MFD Billing. Bills for MFD service shall be mailed to Customers monthly following the provision of service. Contractor shall bill Owner or property manager of the MFD Premises or the owner or occupant of an individual MFD unit if such Customer separately subscribes to Collection service.

8.7.8.3. Commercial Billing. Bills for Commercial service (including Roll-off Box and Compactor services) shall be mailed to Customers monthly following the provision of service. If Commercial Customers have centralized service in which Containers are shared by more than one Commercial Premise, Contractor shall bill one Customer for centralized services or, at the request of the Commercial Customers sharing the Containers, Contractor shall treat each Commercial Premises as a separate Customer and shall bill each Customer for service costs equal to the service rate divided by the number of Commercial Premises sharing the service provided that the Owner or Occupant of one of the Commercial Premises sharing services takes sole responsibility for paying the Contractor for services in the event the other parties fail to do so.

8.7.8.4. Bill Inserts. City may direct Contractor to insert mailers, which shall be a single sheet of paper no larger than eight and one half (8.5) inches by eleven (11) inches, that may be tri-folded, relating to service with the Bills. The mailers shall be printed on double-sided, post-consumer recycled content paper (if commercially viable) and shall fit in standard envelopes. Contractor also agrees to insert with the billings, mailers describing activities of the City government. City will provide not less than thirty (30) calendar days' notice to Contractor before the mailing date of

EXHIBIT C

County Assessor Parcel Number	Amount Due to WMAC	City Admin Fee	Total Not Including Alameda County Processing Fee
065 240904301	$ 384.70	$50.00	$ 434.70
065 263301200	$ 126.49	$50.00	$ 176.49
065 263801600	$ 198.52	$50.00	$ 248.52
065 263901700	$ 384.16	$50.00	$ 434.16
065 263902200	$ 204.71	$50.00	$ 254.71
065 264400100	$ 373.78	$50.00	$ 423.78
065 264401900	$ 222.29	$50.00	$ 272.29
065 264803400	$ 384.16	$50.00	$ 434.16
065 264901200	$ 222.29	$50.00	$ 272.29
065 265201600	$ 230.63	$50.00	$ 280.63
065 265405500	$ 546.89	$50.00	$ 596.89
065 265504200	$ 222.29	$50.00	$ 272.29
065 265901300	$ 222.29	$50.00	$ 272.29
065 265902800	$ 225.99	$50.00	$ 275.99
065 265904702	$ 228.65	$50.00	$ 278.65
065 266001000	$ 223.19	$50.00	$ 273.19
065 266201600	$ 343.50	$50.00	$ 393.50
066 272200400	$ 444.55	$50.00	$ 494.55
066 272301700	$ 388.66	$50.00	$ 438.66
066 272702200	$ 222.29	$50.00	$ 272.29
066 275701500	$ 198.52	$50.00	$ 248.52
066 275805200	$ 384.70	$50.00	$ 434.70
066 278800700	$ 222.29	$50.00	$ 272.29
066 279001200	$ 194.68	$50.00	$ 244.68
066 280103000	$ 198.52	$50.00	$ 248.52
066 280802002	$ 207.17	$50.00	$ 257.17
067 282500400	$ 198.52	$50.00	$ 248.52
067 283301300	$ 233.33	$50.00	$ 283.33
067 283403800	$ 204.79	$50.00	$ 254.79
067 284202903	$ 384.16	$50.00	$ 434.16
067 285303201	$ 198.52	$50.00	$ 248.52
067 285902300	$ 204.71	$50.00	$ 254.71

City of Albany

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

The 6th day of July, 2026, by the following votes:

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

Mayor McQuaid

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

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

This 7th day of July, 2026.

Anne Hsu
CITY CLERK