

ORDINANCE No. 184294

Consent to the transfer of the residential solid waste, recycling and yard debris collection franchise from Deines Bros. Sanitary Service to Hoodview Disposal and Recycling, Inc. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2008, the Council approved Ordinance No. 181666 granting a residential solid waste, recycling and yard debris collection franchise to Deines Bros. Sanitary Service. This franchise establishes terms and conditions for the delivery of residential solid waste and recycling services within a specified geographic territory of the City.
2. As one of the provisions of Ordinance No. 181666, Section 14, Deines Bros. Sanitary Service agreed that it would not assign or transfer the franchise, by any means, without the prior consent of the City.
3. On November 16, 2010, Deines Bros. Sanitary Service sent a letter to the City indicating that it had decided to transfer its franchise to Hoodview Disposal and Recycling, Inc., effective by subcontract January 1, 2011.
4. The proposed transfer has been reviewed by the staff of the Bureau of Planning and Sustainability with regard to the technical, legal and financial qualification of Hoodview Disposal and Recycling, Inc. to deliver residential waste collection service within the prescribed geographic territory for the term of the franchise.
5. Hoodview Disposal and Recycling, Inc. has indicated that it is able to provide residential service to the Deines Bros. Sanitary Service area.
6. Based upon the information and assurances provided by both Deines Bros. Sanitary Service and Hoodview Disposal and Recycling, Inc., the Bureau of Planning and Sustainability staff recommends that the Council consent to the franchise transfer.

NOW, THEREFORE, the Council directs:

- a. Pursuant to Charter Section 10-216 and Ordinance No. 181666, which granted a franchise to Deines Bros. Sanitary Service, and in reliance upon Hoodview Disposal and Recycling, Inc. representations, consent is hereby given to the transfer of the franchise.
- b. Deines Bros Sanitary Service shall provide the City with written notice when the actual transfer of the franchise has occurred and Hoodview Disposal and Recycling, Inc. has undertaken responsibility for performing, complying with and assuming all of Deines Bros. Sanitary Service's covenants, duties, obligations and liabilities under the franchise. In response to the written notice, the City may request additional documentation for

clarification of any questions regarding assumption of franchise obligations and responsibilities for future performance of such obligations.

- c. Within 30 days after this ordinance becomes effective, Hoodview Disposal and Recycling, Inc. shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance meeting the approval of the City Attorney. Such acceptance shall be unqualified and shall be construed to be an acceptance of all the terms, conditions and restrictions contained in this ordinance and the Deines Bros. Sanitary Service franchise, Ordinance No. 181666. The written acceptance shall be accompanied by documentation demonstrating compliance with the franchise requirements, such as insurance and bonding, in a form acceptable to the City Attorney. Any failure on the part of Hoodview Disposal and Recycling, Inc. to file such written acceptance and accompanying documentation within such time shall be deemed a rejection and abandonment, and this ordinance shall thereupon be null and void.
- d. Upon the filing of an acceptance hereunder by Hoodview Disposal and Recycling, Inc. in a form satisfactory to the City Attorney, the City releases and discharges Deines Bros. Sanitary Service, from any further obligations or liabilities under Ordinance No. 181666.

Passed by the Council:

DEC 15 2010

Mayor Adams

Prepared by: Laura Haggi

Date Prepared: 11/18/10

LaVonne Griffin-Valade
Auditor of the City of Portland

By *Emily Matason*

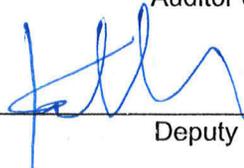
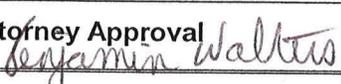
Deputy

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Agenda No. **184294**
ORDINANCE NO.
 Title

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DEC 08 2010

INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED _____
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	By:  Deputy
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Susan Anderson	ACTION TAKEN: DEC 08 2010 PASSED TO SECOND READING DEC 15 2010 9:30 A.M.
Prepared by: Laura Haggi Date Prepared: 11/18/10	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date December 7, 2010 8	
City Attorney Approval 	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	