

ORDINANCE No. 184458

Consent to the merger of Deines P. Sanitary Service into Deines M. Sanitary Service related to franchise for residential solid waste, recycling and yard debris collection. (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 P. 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 P. Sanitary Service agreed that it would not assign or transfer the franchise, by any means, without the prior consent of the City.
3. Deines P. Sanitary Service has notified the City that the shares of Deines P. Sanitary Service had been transferred to Deines M. Sanitary Service on or about January 1, 2011.
4. The proposed transfer has been reviewed by the staff of the Bureau of Planning and Sustainability ("BPS") with regard to the technical, legal and financial qualification of Deines M. Sanitary Service (an existing franchisee) to deliver residential waste collection service within the prescribed geographic territory for the remaining term of the Deines P. Sanitary franchise.
5. Deines M. Sanitary Service has represented to BPS staff that it has adequate staff and equipment to be able to provide residential service to the Deines P. Sanitary Service area.
6. Based upon the information and assurances provided by Deines M. Sanitary Service, the Bureau of Planning and Sustainability staff recommends that the Council consent to this franchise merger, with the Deines M. Sanitary Service being the surviving franchise.

NOW, THEREFORE, the Council directs:

- a. Pursuant to Charter Section 10-216 and Ordinance No. 181666, which granted a franchise to Deines M. Sanitary Service, and in reliance upon Deines M. Sanitary Service representations, consent is hereby given to the merger of the franchises, with the franchise held by Deines M. Sanitary Service being the surviving franchise with the City of Portland.
- b. Deines M. Sanitary Service shall be solely responsible for performing, complying with and assuming all of Deines P. Sanitary Service's covenants, duties, obligations and liabilities under the City of Portland residential solid waste and recycling collection franchise. In response to the written notice, the City may request additional documentation from Deines M. Sanitary Service 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, Deines M. Sanitary Service 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 of the Deines P. 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 Deines M. Sanitary Service 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. Upon the filing of an acceptance hereunder by Deines M. Sanitary Service in a form satisfactory to the City Attorney, the City releases and discharges Deines P. Sanitary Service, from any further obligations or liabilities under Ordinance No. 181666.

Passed by the Council: MAR 16 2011

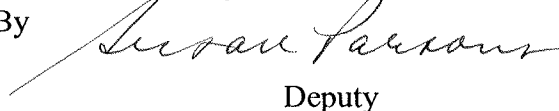
Mayor Adams

Prepared by: Laura Haggi

Date Prepared: 2/17/11

LaVonne Griffin-Valade
Auditor of the City of Portland

By


Deputy

- 228 - 247 = 147

Agenda No. **184458**
ORDINANCE NO.
Title

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INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED MAR 04 2011
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams <i>[Signature]</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy ACTION TAKEN: MAR 09 2011 PASSED TO SECOND READING MAR 16 2011 9:30 A.M.
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>[Signature]</i> Prepared by: Laura Haggi Date Prepared: 2/17/11	
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 March 9, 2011	
City Attorney Approval <i>[Signature]</i>	

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	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	