

ORDINANCE No. 188592

Consent to the transfer of Weitzel's Garbage & Recycling, Inc. residential solid waste, recycling and composting collection franchise to Portland Disposal & Recycling Inc. (Ordinance)

The City of Portland ordains:

Section 1 the Council finds that:

1. In 2012, the Council approved Ordinance No. 185830 granting a residential solid waste, recycling and composting collection franchise to Weitzel's Garbage & Recycling, Inc. ("Grantee"). The franchise established terms and conditions for the Grantee's delivery of residential solid waste, recycling and composting collection services within a specific geographic territory of the City.
2. Portland City Charter Section 10-216 provides that no franchise shall be sublet or assigned, nor shall any of the franchise rights or privileges be leased, assigned, sold or transferred, without the consent of the City expressed by non-emergency ordinance. Under Section 14.1(A) of the franchise, the Grantee agreed not to sell, lease, mortgage, assign, merge or otherwise transfer the franchise without the prior written consent of the City.
3. Weitzel's Garbage & Recycling, Inc. has notified the Bureau of Planning and Sustainability of their decision to transfer their franchise to Portland Disposal & Recycling, Inc. effective 30 days after passage of this Ordinance. Weitzel's Garbage & Recycling, Inc. has requested the City Council's consent to the franchise transfer.
4. In accordance with Section 14.1(B) of the solid waste franchise, City staff have reviewed the proposed transfer, and determined that the successor company will have the technical, legal and financial resources to adequately perform all obligations under the franchise. Staff recommends that the Council consent to the franchise transfer.

NOW THEREFORE, the Council directs:

- a. Council consents to the transfer of control over the franchise granted by Ordinance No. 185830 from Weitzel's Garbage & Recycling, Inc. to Portland Disposal & Recycling, Inc.
- b. Within ten days of the completion of the corporate transaction, Portland Disposal & Recycling, Inc. shall file written notice of the transfer with the Bureau of Planning and Sustainability, in accordance with Section 14.1(A) of Ordinance No. 185830.

- c. Within ten business days after this Ordinance is adopted, Portland Disposal & Recycling, Inc. shall file in the Office of the Auditor of the City of Portland a written acceptance, executed by a duly authorized representative, acceptable as to form by the City Attorney. Such acceptance shall be unqualified and shall be construed to be an acceptance by Portland Disposal & Recycling, Inc. of all the terms, conditions and restrictions of this Ordinance. Any failure to file such written acceptance within such time shall be deemed an abandonment and rejection of the rights and privileges conferred hereby and this Ordinance shall thereupon be null and void.

Passed by the Council: SEP 13 2017

Mayor Ted Wheeler

Prepared by: Kevin Veaudry Casaus

Date Prepared: August 10, 2017

Mary Hull Caballero

Auditor of the City of Portland

By 

Deputy

Agenda No.
ORDINANCE NO. 188592
Title

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INTRODUCED BY Commissioner/Auditor: Mayor Hales <i>Wheeler</i>	CLERK USE: DATE FILED <u>AUG 29 2017</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - <i>Hales</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - <i>Eudaly</i> Novick	Mary Hull Caballero Auditor of the City of Portland By: <i>Susan Casaus</i> Deputy
BUREAU APPROVAL Bureau: BPS Bureau Head: Susan Anderson	ACTION TAKEN: SEP 06 2017 PASSED TO SECOND READING SEP 13 2017 9:30 A.M.
Prepared by: Kevin Veaudry Casaus Date Prepared: August 10, 2017	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>bt</i>	
Council Meeting Date September 6, 2017	

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. Novick	<i>Eudaly</i> 4. Novick <input checked="" type="checkbox"/>	
Hales	<i>Wheeler</i> Hales <input checked="" type="checkbox"/>	