

ORDINANCE No. 188713

Consent to the transfer of Mel Deines Sanitary Service, Inc. residential solid waste, recycling and composting collection franchise to Kahut City Sanitary Service Inc. dba City Sanitary Service (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 Mel Deines Sanitary Service, Inc. This franchise established terms and conditions for the delivery of residential solid waste, recycling and composting collection services within a specific geographic territory of the City (the solid waste franchise.)
2. In 2013, the Council consented to the transfer of the residential solid waste, recycling and composting collection franchise from J.M. Boitano Sanitary Service, Inc. dba City Sanitary Service to Hoodview Disposal & Recycling, Inc., under the new corporate name of Kahut City Sanitary Service, Inc. dba City Sanitary Service (Kahut). Ordinance 185892.
3. 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 solid waste franchise, the grantee agreed not to sell, lease, mortgage, assign, merge or otherwise transfer the franchise without the prior written consent of the City.
4. Mel Deines Sanitary Service, Inc. has notified the Bureau of Planning and Sustainability of their decision to transfer their franchise to Kahut, effective 30 days after passage of this Ordinance. Mel Deines Sanitary Service, Inc. requests that the City Council provide its consent to the franchise transfer.
5. 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. Pursuant to the City Charter and Section 14 of Ordinance No. 185830, consent is hereby given to the transfer of the solid waste franchise from ownership of Mel Deines Sanitary Service, Inc. to Kahut City Sanitary Service Inc. dba City Sanitary Service.
- b. Within ten days of the completion of the corporate transaction, Kahut City Sanitary Service Inc. dba City Sanitary Service 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 accepted, Kahut City Sanitary Service Inc. dba City Sanitary Service 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 Kahut City Sanitary Service Inc. dba City Sanitary Service 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: DEC 13 2017

Mayor Ted Wheeler

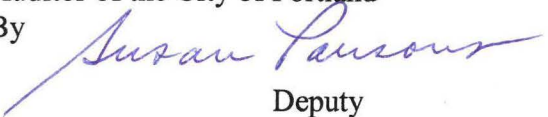
Prepared by: Kevin Veaudry Casaus

Date Prepared: November 9, 2017

Mary Hull Caballero

Auditor of the City of Portland

By



Deputy

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Agenda No.
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Title

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<p>INTRODUCED BY Commissioner/Auditor: Ted Wheeler</p>	<p>CLERK USE: DATE FILED <u>NOV 28 2017</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Wheeler <i>KE</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p>	<p style="text-align: right;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>[Signature]</i></p> <p>Prepared by: Kevin Veaudry Casaus Date Prepared: November 9, 2017</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>of</i></p> <p>Council Meeting Date December 6, 2017</p>	<p>ACTION TAKEN:</p> <p>DEC 06 2017 PASSED TO SECOND READING DEC 13 2017 9:30 A.M.</p>

<p style="text-align: center;">AGENDA</p> <p>TIME CERTAIN <input type="checkbox"/> Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p> <p>CONSENT <input checked="" type="checkbox"/></p> <p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Fritz</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>2. Fish</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td style="text-align: center;">—</td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>Wheeler</td> <td style="text-align: center;">✓</td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	✓		2. Fish	✓		3. Saltzman	—		4. Eudaly	✓		Wheeler	✓	
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