

## ORDINANCE No. 189416

Consent to the transfer of Lehl Garbage, Inc. dba Lehl Disposal residential solid waste, recycling and composting collection franchise to Heiberg Garbage & Recycling LLC (Ordinance)

The City of Portland Ordains:

Section 1. The Council finds:

1. In 2018, the Council approved Ordinance No. 189242 granting a residential solid waste, recycling and composting collection franchise to Lehl Garbage, Inc. dba Lehl Disposal. This franchise establishes terms and conditions for the 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 agrees not to sell, lease, mortgage, assign, merge or otherwise transfer the franchise without the prior written consent of the City.
3. Lehl Garbage, Inc. dba Lehl Disposal has notified the Bureau of Planning and Sustainability of their decision to transfer their franchise to Heiberg Garbage & Recycling LLC effective 30 days after passage of this Ordinance. Lehl Garbage, Inc. dba Lehl Disposal requests City consent of 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. Pursuant to the City Charter and Section 15 of Ordinance No. 189242, consent is hereby given to the transfer of the franchise from ownership of Lehl Garbage, Inc. dba Lehl Disposal to Heiberg Garbage & Recycling LLC.
- b. Within ten days of the completion of the corporate transaction, Heiberg Garbage & Recycling LLC. shall file written notice of the transfer with the Bureau of Planning and Sustainability, in accordance with Section 15.A of Ordinance No. 189242.
- c. Within ten business days after this ordinance is accepted, Heiberg Garbage & Recycling LLC. 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 Heiberg Garbage & Recycling LLC 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: MAR 13 2019

Mayor Ted Wheeler

Prepared by: Kevin Veaudry Casaus

Date Prepared: January 14, 2019

**Mary Hull Caballero**

Auditor of the City of Portland

By



Deputy

Agenda No.  
**ORDINANCE NO. 189416**  
Title

Consent to the transfer of Lehl Garbage, Inc. dba Lehl Disposal residential solid waste, recycling and composting collection franchise to Heiberg Garbage & Recycling LLC (Ordinance)

<p style="text-align: center;"><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Ted Wheeler</b></p>	<p>CLERK USE: DATE FILED <u>FEB 26 2019</u></p>
<p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance &amp; Administration - Wheeler <i>MP</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p style="text-align: center;"><b>BUREAU APPROVAL</b></p> <p>Bureau: Planning and Sustainability Bureau Head: Joe Zehnder</p>	<p><b>ACTION TAKEN:</b></p>
<p>Prepared by: Kevin Veaudry Casaus Date Prepared: February 1, 2019</p>	<p>MAR 06 2019 PASSED TO SECOND READING    MAR 13 2019 9:30 A.M.</p>
<p><b>Impact Statement</b></p> <p>Completed <input checked="" type="checkbox"/>    Amends Budget <input type="checkbox"/></p>	
<p><b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input type="checkbox"/>    No <input checked="" type="checkbox"/></p>	
<p><b>City Auditor Office Approval:</b> required for Code Ordinances</p>	
<p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter <i>gf</i></p>	
<p>Council Meeting Date <del>February 27, 2019</del> <i>March 6, 2019</i></p>	

**AGENDA**

**TIME CERTAIN**

Start time: \_\_\_\_\_

Total amount of time needed: \_\_\_\_\_  
(for presentation, testimony and discussion)

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**CONSENT**

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**REGULAR**

Total amount of time needed: \_\_\_\_\_  
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Hardesty	3. Hardesty	_____	_____
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	