

ORDINANCE No. 176283

Consent to the transfer of American Sanitary Service, Inc. residential solid waste and recycling collection franchise to American Sanitary Service, Inc. as a wholly owned subsidiary of Waste Connections of Oregon, Inc. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. On January 22, 1997, the Council approved Ordinance No. 170863 granting a residential solid waste collection franchise to American Sanitary Service, Inc.
2. The City's franchise with American Sanitary Service, Inc. establishes certain terms and conditions for that company's delivery of residential solid waste and recycling services within a particular geographic territory of the City.
3. As one of the provisions of Ordinance No. 170863, Section 14, American Sanitary Service, Inc. agreed that it would not assign or transfer the franchise, by any means, without the prior consent of the City.
4. American Sanitary Service, Inc. has made a decision to transfer their franchise to American Sanitary Service, Inc. as a wholly owned subsidiary of Waste Connections of Oregon, Inc. who will operate the franchise under the name of American Sanitary Service, Inc. as a wholly owned subsidiary of Waste Connections of Oregon, Inc. effective upon Council approval. American Sanitary Service, Inc. has requested that the City give its consent to the transfer of the franchise as provided in the franchise agreement.
5. The transfer has been reviewed by the staff of the Office of Sustainable Development with regard to the technical, legal and financial qualifications of Waste Connections of Oregon, Inc. to deliver residential waste collection service within the prescribed geographic territory for the term of the franchise. The OSD staff recommends that the Council approve the transfer.

NOW, THEREFORE, the council directs:

- a. Pursuant to the City Charter and Section 14 of Ordinance No. 170863, consent is hereby given to the transfer of the franchise from ownership of American Sanitary Service, Inc. to American Sanitary Service, Inc. as a wholly owned subsidiary of Waste Connections of Oregon, Inc. effective upon Council approval.

- b. American Sanitary Service, Inc. as a wholly owned subsidiary of Waste Connections of Oregon, Inc. shall provide written notice to the City within 30 days of the date when the actual transfer of the franchise has occurred and the company has undertaken responsibility for providing services to customers within the City.
- c. Within 30 days after this ordinance becomes effective, American Sanitary Service, Inc. as a wholly owned subsidiary of Waste Connections of Oregon, Inc. shall file in the Office of the Auditor of the City of Portland, a written acceptance of the 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 in the Ordinance 170863. A failure on the part of American Sanitary Service, Inc. as a wholly owned subsidiary of Waste Connections of Oregon, Inc. to file such written acceptance within such time shall be deemed a rejection and abandonment, and this ordinance shall thereupon be null and void.
- d. In the event the transaction which is the subject of this ordinance is not consummated or does not reach final closure for any reason, or in the event such closure is reached on terms substantially and materially different to the terms as previously described in the information provided to the City by Waste Connections of Oregon, Inc. and American Sanitary Service, Inc. and relied upon by the City, then this ordinance, together with the written acceptance provided hereunder shall be null and void. If the closure is upon terms which are substantially and materially different, Waste Connections of Oregon, Inc. shall resubmit a request for the City's consent to transfer of the subject franchise, in order to be in compliance with the terms and conditions of the franchise.

Passed by the Council, FEB 27 2002
Commissioner Dan Saltzman
February 13, 2002
Laura Haggi

Gary Blackmer
Auditor of the City of Portland
By
/S/ Susan Parsons

Deputy

BACKING SHEET INFORMATION

AGENDA NO. 180,196-2002

ACTION TAKEN:

FEB 20 2002 PASSED TO SECOND READING FEB 27 2002 9:30 A.M.

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 176283

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
FRANCESCONI	X	
HALES	===	===
SALTZMAN	X	
STEN	===	===
KATZ	X	