

ORDINANCE No. 190337

Consent to the transfer of Gruetter Sanitary Service Inc. residential solid waste, recycling, and composting collection franchise to Portland Disposal & Recycling (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2018, the Council granted a residential solid waste, recycling and composting collection franchise to Gruetter Sanitary Service Inc. (Gruetter). The franchise established terms and conditions for the delivery of garbage hauling services within a specific geographic territory of the city (Ordinance No. 189242).
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. Gruetter has notified the Bureau of Planning and Sustainability (BPS) of Gruetter's decision to transfer its franchise to Portland Disposal & Recycling Inc., effective 30 (thirty) calendar days after passage of this Ordinance.
4. Gruetter has requested City consent of its franchise transfer.
5. In accordance with Section 14.1(B) of Gruetter's franchise, City staff have reviewed the proposed transfer and determined that Portland Disposal & Recycling Inc. has the technical, legal and finance 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 Gruetter's franchise, consent is hereby given to the transfer of the franchise from Gruetter Sanitary Service Inc. to Portland Disposal & Recycling Inc.
- b. Within 10 (ten) business days of the completion of the corporate transaction, Portland Disposal & Recycling shall file written notice of the transfer with BPS, in accordance with Section 15.A of Ordinance No. 189242.

- c. Within 10 (ten) business days after this Ordinance is approved by Council, 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 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: March 31, 2021

Commissioner Carmen Rubio
Prepared by: Quintin Bauer
Date Prepared: 2/10/2021

Mary Hull Caballero
Auditor of the City of Portland
By *Megan Lehman*
Deputy

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~~173~~
Agenda No.
ORDINANCE NO. 190337
Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Carmen Rubio</p>	<p>CLERK USE: DATE FILED <u>March 16, 2021</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler</p> <p>Position 1/Utilities - Rubio <small>Carmen Rubio</small> <small>Digitally signed by Carmen Rubio Date: 2021.03.15 21:11:17 -08'00'</small></p> <p>Position 2/Works - Ryan</p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Mapps</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Megan Lehman</i></u> Deputy</p> <p>ACTION TAKEN: March 24, 2021 Passed to Second Reading March 31, 2021 at 9:30 am</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Planning and Sustainability Bureau Head: <u>Andrea Durbin</u> <small>Digitally signed by Andrea Durbin Date: 2021.02.10 14:14:20 -08'00'</small></p>	
<p>Prepared by: <u>Quintin Bauer</u> Date Prepared: <u>2/10/2021</u></p>	
<p>Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document.</p> <p>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</p> <p><small>Digitally signed by Maja H. Haurum Date: 2021.02.10 14:11:35 -08'00'</small></p>	
<p>Council Meeting Date <u>March 24, 2021</u></p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>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>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Rubio	✓	
2. Ryan	✓	
3. Hardesty	✓	
4. Mapps	✓	
Wheeler	✓	