ORDINANCE No. 176113

Consent to the transfer of Gaylen Kiltow Sanitary Service residential solid waste and recycling collection franchise to Portland Disposal and Recycling Service, 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 Gaylen Kiltow Sanitary Service.

2.   The City's franchise with Gaylen Kiltow Sanitary Service 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, Gaylen Kiltow Sanitary Service agreed that it would not assign or transfer the franchise, by any means, without the prior consent of the City.

4.   Gaylen Kiltow Sanitary Service has made a decision to transfer their franchise to Portland Disposal and Recycling Service, Inc. effective February 1, 2002. Gaylen Kiltow Sanitary Service has requested that the City give its consent to the transfer of the franchise to Portland Disposal and Recycling Service, Inc. as provided in the franchise.

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 Portland Disposal and Recycling Service, 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 Gaylen Kiltow Sanitary Service to Portland Disposal and Recycling Service, Inc. effective February 1, 2002.

b.   Portland Disposal and Recycling Service, 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, Portland Disposal and Recycling Service, 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 Portland Disposal and Recycling Service, 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 Portland Disposal and Recycling Service, Inc. and Gaylen Kiltow Sanitary Service 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, Portland Disposal and Recycling Service, 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,   DEC 05, 2001   **Gary Blackmer**
Commissioner Dan Saltzman   Auditor of the City of Portland
                                                       By   /S/ Susan Parsons

Laura Haggi
November 14, 2001   Deputy

BACKING SHEET INFORMATION

AGENDA NO. 1378, 1398

ACTION TAKEN: NOV 28 2001 PASSED TO SECOND READING DEC 05 2001 9:30 AM

ORDINANCE/RESOLUTION/REPORT NO. 176113

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