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# 191438

Ordinance

## Consent to the transfer of a residential solid waste, recycling and composting collection franchise from S&C Licensing, LLC to Recology Clackamas Inc.

Passed

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 S&C Licensing, LLC. 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 15.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. S&C Licensing, LLC has notified the Bureau of Planning and Sustainability (BPS) of S&C Licensing, LLC's decision to transfer its franchise to Recology Clackamas Inc., effective 30 (thirty) calendar days after passage of this Ordinance.
4. S&C Licensing, LLC has requested City consent of its franchise transfer.
5. In accordance with Section 15.A of S&C Licensing, LLC's franchise, BPS staff have reviewed the proposed transfer and determined that Recology Clackamas Inc. has the technical, legal and financial resources to adequately perform all obligations under the franchise. BPS staff recommends that the Council consent to the franchise transfer.

NOW, THEREFORE, the Council directs:

- A. Pursuant to the City Charter and S&C Licensing, LLC's franchise, consent is hereby given to the transfer of the franchise from S&C Licensing, LLC to Recology Clackamas Inc.

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Planning and Sustainability \(BPS\)](#)

Contact

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Public Trash Collection Program Manager

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date  
September 6, 2023

- B. Within 10 (ten) business days of the completion of the corporate transaction, Recology Clackamas Inc. must 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, Recology Clackamas Inc. must 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 must be unqualified and will be construed to be an acceptance by Recology Clackamas Inc. of all terms, conditions, and restrictions of this Ordinance. Any failure to file such written acceptance within such time will be deemed an abandonment and rejection of the rights and privileges conferred hereby and this Ordinance will thereupon be null and void.

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
September 6, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

S&C Licensing, LLC has been granted a residential solid waste, recycling and composting collection franchise. Portland City Charter states that no sale or transfer of any franchise is allowable without Council approval. Recology Clackamas Inc. and S&C Licensing, LLC have informed the Bureau of Planning and Sustainability of S&C Licensing, LLC's intent to sell their franchise to Recology Clackamas Inc. The Bureau of Planning and Sustainability supports this request.

### Financial and Budgetary Impacts

There are no financial or budgetary impacts resulting from this action.

### Community Impacts and Community Involvement

There are no community impacts.

## 100% Renewable Goal

n/a

## Budget Office Financial Impact Analysis

No financial impact.

## Agenda Items

720 Consent Agenda in [August 30-31, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/8/30)  
(<https://www.portland.gov/council/agenda/2023/8/30>)

Passed to second reading

Passed to second reading September 6, 2023 at 9:30 a.m.

750 Consent Agenda in [September 6, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/9/6)  
(<https://www.portland.gov/council/agenda/2023/9/6>)

Passed

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea