

ORDINANCE No.

184252

Consent to the transfer of The Trashmasters Waste and Recycling Services, Inc. residential solid waste and recycling collection franchise to Waste Management of Oregon, Inc. (Ordinance)

The City of Portland ordains:

Section 1 the Council finds that:

1. In 2008, the Council approved Ordinance No. 181666 granting a residential solid waste collection franchise to The Trashmasters Waste and Recycling Services, Inc.
2. The City's franchise with The Trashmasters Waste and Recycling Services, 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. 181166, Section 14, The Trashmasters Waste and Recycling Services, Inc. agreed that it would not assign or transfer the franchise, by any means, without the prior consent of the City.
4. The Trashmasters Waste and Recycling Services, Inc. has made a decision to transfer their franchise to Waste Management of Oregon, Inc. effective December 31, 2010. The Trashmasters Waste and Recycling Services, Inc. has requested that the City give its consent to the transfer of the franchise to Waste Management of Oregon, Inc. as provided in the franchise.
5. The transfer has been reviewed by the staff of the Bureau of Planning and Sustainability with regard to the technical, legal and financial qualification of Waste Management of Oregon, Inc. to deliver residential waste collection service within the prescribed geographic territory for the term of the franchise. The BPS 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. 181666, consent is hereby given to the transfer of the franchise from ownership of The Trashmasters Waste and Recycling Services, Inc. to Waste Management of Oregon, Inc. effective December 31, 2010.
- b. Waste Management 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, Waste Management 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 the ordinance and in the Ordinance 181666. A failure on the part of Waste Management 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 Management of Oregon, Inc. and The Trashmasters Waste and Recycling Services, 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 Management 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: DEC 01 2010

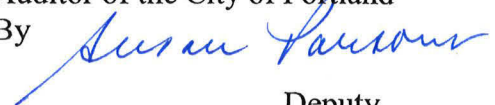
Mayor Adams

Prepared by: Arianne Sperry

Date Prepared: 11/3/10

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

1490-1521

Agenda No.
ORDINANCE NO. 184252
 Title

Consent to the transfer of The Trashmasters Waste and Recycling Services, Inc. residential solid waste and recycling collection franchise to Waste Management of Oregon, Inc. (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>NOV 12 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams <i>[Signature]</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>[Signature]</i>	ACTION TAKEN: NOV 17 2010 PASSED TO SECOND READING DEC 01 2010 9:30 A.M.
Prepared by: Arianne Sperry Date Prepared: 11/3/10	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date Nov. 17, 2010	
City Attorney Approval <i>[Signature]</i>	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	