

## ORDINANCE No. 187087

Consent to transfer of residential solid waste, recycling and composting franchise from Hoodview Disposal and Recycling, Inc. to City Sanitary Service, Inc. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2008, the Council approved Ordinance No. 181666, granting separate residential solid waste, recycling and composting collection franchises to City Sanitary Service and Deines Brothers Sanitary Service, among others, for the delivery of residential solid waste, recycling and composting collection services within the City of Portland.
2. In 2010, the Council consented to the transfer of the residential solid waste, recycling and composting collection franchise from Deines Brothers Sanitary Service to Hoodview Disposal & Recycling, Inc. Ordinance No. 184294.
3. The Council renewed the residential solid waste, recycling and composting collection franchises renewal in 2012, Ordinance No. 185830.
4. Most recently, the Council consented to the transfer of the residential solid waste, recycling and composting franchise from City Sanitary Service to Hoodview Disposal and Recycling, Inc., under the new corporate name of Kahut City Sanitary Service, Inc., Ordinance No. 185892.
5. 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.
6. Kahut Sanitary Service, Inc. has notified the Bureau of Planning and Sustainability indicating that Kahut Sanitary Service, Inc. has made a decision to merge the operations of J.M. Boitano Sanitary Service, Inc. dba City Sanitary Service and Hoodview Disposal and Recycling, Inc., and operate both franchises as Kahut Sanitary Service, Inc. dba City Sanitary Service, effective by December 31, 2013. The physical operations of the company will not be altered. Customer service representatives will remain the same, and there will not be any changes in management of the company. Additionally, various filings required to be made with the City will be consolidated under a single company

7. In accordance with Section 14.1(B) of the solid waste franchise, City staff have reviewed the proposed mergers, and determined that the successor company will have the technical, legal and financial resources to adequately perform all obligations under the franchise. Staff recommends that the Council consent to the corporate merger of these two businesses, and the resulting franchise transfer.

NOW, THEREFORE, the Council directs:

- a. Pursuant to the City Charter and Section 14 of Ordinance No. 185830, consent is hereby given to the merger of J.M. Boitano Sanitary Service, Inc. dba City Sanitary Service and Hoodview Disposal and Recycling, Inc. and the transfer and consolidation of the Hoodview Disposal and Recycling, Inc. franchise into a single franchise for Kahut Sanitary Service, Inc. dba City Sanitary Service.
- b. Within ten days of the completion of the corporate transaction, Kahut Sanitary Service, Inc. shall file written notice of the merger with the Bureau of Planning and Sustainability, in accordance with Section 14.1(A) of Ordinance No. 185830.
- c. Within ten business days after this ordinance is adopted, Kahut Sanitary Service, 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 Kahut Sanitary Service, Inc. of all the 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: APR 15 2015

Mayor Charlie Hales

Prepared by: Kevin Veaudry Casaus

Date Prepared: March 6, 2015

**Mary Hull Caballero**

Auditor of the City of Portland

By



Deputy

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Agenda No. **187087**  
**ORDINANCE NO.**  
Title

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| <p><b>INTRODUCED BY</b><br/>Commissioner/Auditor:<br/><b>Mayor Hales</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: BPS <i>Michael Armstrong</i><br/>Bureau Head: <i>Susan Anderson</i></p> <p>Prepared by: Kevin Veaudry Casaus<br/>Date Prepared: March 16, 2015</p> <p>Impact Statement<br/>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document<br/>If "Yes" requires City Policy paragraph stated in document.<br/>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>City Auditor Office Approval:</b><br/>required for Code Ordinances</p> <p><b>City Attorney Approval:</b><br/>required for contract, code, easement, franchise, comp plan, charter <i>ck</i></p> <p>Council Meeting Date <b>April 8, 2015</b></p> | <p>CLERK USE: DATE FILED <u>APR 03 2015</u></p> <p style="text-align: center;">Mary Hull Caballero<br/>Auditor of the City of Portland</p> <p>By: <i>[Signature]</i><br/>Deputy</p> <p><b>ACTION TAKEN:</b><br/><b>APR 08 2015 PASSED TO SECOND READING APR 15 2015 9:30 A.M.</b></p> |
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| <p style="text-align: center;"><b>AGENDA</b></p> <p><b>TIME CERTAIN</b> <input type="checkbox"/><br/>Start time: _____</p> <p><b>Total amount of time needed:</b> _____<br/>(for presentation, testimony and discussion)</p> <p><b>CONSENT</b> <input checked="" type="checkbox"/></p> <p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p> | <table border="1" style="width: 100%; border-collapse: collapse;"><tr><th style="width: 33%;">FOUR-FIFTHS AGENDA</th><th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th></tr><tr><th></th><th>YEAS</th><th>NAYS</th></tr><tr><td>1. Fritz</td><td style="text-align: center;">✓</td><td></td></tr><tr><td>2. Fish</td><td style="text-align: center;">✓</td><td></td></tr><tr><td>3. Saltzman</td><td style="text-align: center;">✓</td><td></td></tr><tr><td>4. Novick</td><td style="text-align: center;">✓</td><td></td></tr><tr><td>Hales</td><td style="text-align: center;">✓</td><td></td></tr></table> | FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: |  |  | YEAS | NAYS | 1. Fritz | ✓ |  | 2. Fish | ✓ |  | 3. Saltzman | ✓ |  | 4. Novick | ✓ |  | Hales | ✓ |  |
|---|---|--------------------|---------------------------------|--|--|------|------|----------|---|--|---------|---|--|-------------|---|--|-----------|---|--|-------|---|--|
| FOUR-FIFTHS AGENDA  | COMMISSIONERS VOTED AS FOLLOWS:   |                    |                                 |  |  |      |      |          |   |  |         |   |  |             |   |  |           |   |  |       |   |  |
|   | YEAS  | NAYS               |                                 |  |  |      |      |          |   |  |         |   |  |             |   |  |           |   |  |       |   |  |
| 1. Fritz  | ✓   |                    |                                 |  |  |      |      |          |   |  |         |   |  |             |   |  |           |   |  |       |   |  |
| 2. Fish   | ✓   |                    |                                 |  |  |      |      |          |   |  |         |   |  |             |   |  |           |   |  |       |   |  |
| 3. Saltzman   | ✓   |                    |                                 |  |  |      |      |          |   |  |         |   |  |             |   |  |           |   |  |       |   |  |
| 4. Novick   | ✓   |                    |                                 |  |  |      |      |          |   |  |         |   |  |             |   |  |           |   |  |       |   |  |
| Hales   | ✓   |                    |                                 |  |  |      |      |          |   |  |         |   |  |             |   |  |           |   |  |       |   |  |