## ORDINANCE No. 187487

Consent to the transfer of De Young Sanitary Service residential solid waste, recycling and composting collection franchise to Heiberg Garbage & Recycling LLC. (Ordinance)

The City of Portland ordains:

Section 1 the Council finds that:

- 1. In 2012, the Council approved Ordinance No. 185830 granting a residential solid waste, recycling and composting collection franchise to De Young Sanitary Service. This franchise establishes terms and conditions for the delivery of residential solid waste, recycling and composting collection services within a specific geographic territory of the city.
- 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. De Young Sanitary Service has notified the Bureau of Planning and Sustainability of their decision to transfer their franchise to Heiberg Garbage & Recycling LLC effective 30 days after passage of this Ordinance. De Young Sanitary Service requests City consent of the franchise transfer.
- 4. In accordance with Section 14.1(B) of the solid waste franchise, City staff have reviewed the proposed transfer, 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 franchise transfer.

## NOW THEREFORE, the Council directs:

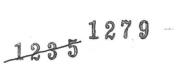
- a. Pursuant to the City Charter and Section 14 of Ordinance No. 185830, consent is hereby given to the transfer of the franchise from ownership of De Young Sanitary Service to Heiberg Garbage & Recycling LLC.
- b. Within ten days of the completion of the corporate transaction, Heiberg Garbage & Recycling LLC shall file written notice of the transfer 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 accepted, Heiberg Garbage & Recycling LLC 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 Heiberg Garbage & Recycling LLC 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: DFC 0 9 2015

Mayor Charlie Hales Prepared by: Kevin Veaudry Casaus Date Prepared: November 2, 2015

Mary Hull Caballero Auditor of the City of Portland By aux usan 4 Deputy



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Agenda No. ORDINANCE NO. 187487 Title

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INTRODUCED BY Commissioner/Auditor: Mayor Hales	CLERK USE: DATE FILED NOV 2 3 2015			
COMMISSIONER APPROVAL	Mary Hull Caballero			
Mayor-Finance and Komingstration - Hales	Auditor of the City of Portland			
Position 1/Utilities - Fritz				
Position 2/Works - Fish	By: fux an Paterons			
Position 3/Affairs - Saltzman	Deputy			
Position 4/Safety - Novick	ACTION TAKEN:			
BUREAU APPROVAL Bureau: BPS	DEC 0 2 2015 PASSED TO SECOND READING DEC 0 9 2015 9:30 A.M.			
Bureau Head: Susan Anderson				
Prepared by: Kevin Veaudry				
Casaus Date Prepared: November 2, 2015				
Impact Statement				
Completed 🛛 Amends Budget 🗌				
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes INO I				
City Auditor Office Approval: required for Code Ordinances				
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter				
Council Meeting Date December 2, 2015				

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
TIME CERTAIN  Start time:			YEAS	NAYS
Total amount of time needed:	1. Fritz	1. Fritz		
(for presentation, testimony and discussion)	2. Fish	2. Fish		
CONSENT & PULL	3. Saltzman	3. Saltzman	$\checkmark$	
REGULAR	4. Novick	4. Novick	$\checkmark$	
Total amount of time needed: (for presentation, testimony and discussion)	Hales	Hales	$\checkmark$	