

ORDINANCE No. 187932

Consent to the transfer of Cloudburst Recycling, Inc. 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 Cloudburst Recycling, Inc. 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. Cloudburst Recycling, Inc. 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. Cloudburst Recycling, Inc. 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 Cloudburst Recycling, Inc. 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.

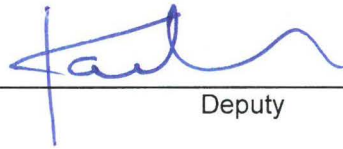

Passed by the Council: AUG 10 2016

Mayor Charlie Hales
Prepared by: Kevin Veaudry Casaus
Date Prepared: June 30, 2016

Mary Hull Caballero
Auditor of the City of Portland
By *Gayla Jennings*
Deputy

Agenda No. **ORDINANCE NO. 187932**
Title

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INTRODUCED BY Commissioner/Auditor: Mayor Hales	CLERK USE: DATE FILED <u>JUL 26 2016</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: BPS Bureau Head: Susan Anderson	ACTION TAKEN: AUG 03 2016 PASSED TO SECOND READING AUG 10 2016 9:30 A.M.
Prepared by: Kevin Veaudry Casaus Date Prepared: June 30, 2016	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
<input checked="" type="checkbox"/> City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter 	
Council Meeting Date August 3, 2016	

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	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick	✓	
Hales	✓	