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190559

Ordinance

Consent to the transfer of Kahut Waste Services, LLC dba City Sanitary Service residential solid waste, recycling, and composting collection franchise to Kahut Companies Holdings, 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 Kahut Waste Services, LLC dba City Sanitary Service (City Sanitary). 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 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. City Sanitary has notified the Bureau of Planning and Sustainability (BPS) of City Sanitary's decision to transfer its franchise to Kahut Companies Holdings, Inc., effective 30 (thirty) calendar days after passage of this Ordinance.
4. City Sanitary has requested City consent of its franchise transfer.
5. In accordance with Section 14.1(B) of City Sanitary's franchise, BPS staff have reviewed the proposed transfer and determined that Kahut Companies Holdings, Inc. has 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:

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Planning and Sustainability](#)

Prepared by

Quintin Bauer

Date Prepared

August 13, 2021

Requested Agenda Type

Consent

- A. Pursuant to the City Charter and City Sanitary's franchise, consent is hereby given to the transfer of the franchise from City Sanitary to Kahut Companies Holdings, Inc.
- B. Within 10 (ten) business days of the completion of the corporate transaction, Kahut Companies Holdings, Inc. shall 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, Kahut Companies Holdings, 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 Companies Holdings, Inc. of all 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.

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 22, 2021

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (168.09 Kb)

Budget Office Financial Impact Analysis

This Ordinance transfers a residential solid waste, recycling and composting collection franchise; there are no financial or budgetary impacts resulting from this action.

Agenda Items

672 Consent Agenda in [September 15, 2021 Council Agenda](#)

Passed to second reading

Passed to second reading September 22, 2021 at 9:30 a.m.

694 Consent Agenda in [September 22-23, 2021 Council Agenda](#)

Passed

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

General information

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🗉 [711](#) Oregon Relay Service

City of Portland, Oregon



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