

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING THE ) RESOLUTION NO. 85- 572  
TRANSFER OF FRANCHISE PERMIT #5, )  
OREGON WASTE MANAGEMENT, INC. AND ) Introduced by the  
GENSTAR CONSERVATION SYSTEMS, INC. ) Executive Officer  
TO GENSTAR WASTE TRANSFER, INC. )

WHEREAS, Section 5.01.090 of the Metropolitan Service District (Metro) Code requires that a franchisee may not transfer its franchise unless an application has been filed in accordance with Section 5.01.060 of the Metro Code and has been granted the transfer approval by the Council; and

WHEREAS, Oregon Waste Management, Inc. and Genstar Conservation Systems, Inc. (OWM/GCS) were jointly granted Franchise Permit No. 5 to operate a solid waste processing facility at 701 N. Hunt, Portland, Oregon; and

WHEREAS, OWM/GCS has transferred ownership and operation of this facility to Genstar Waste Transfer, Inc. and has requested that Permit No. 5 be transferred to Genstar Waste Transfer, Inc.; and

WHEREAS, Genstar Waste Transfer, Inc. has filed the appropriate application and has met the requirements of Sections 5.01.090 and 5.01.060 of the Code as set out in the Staff Report; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District authorizes the transfer of Franchise Permit No. 5 from Oregon Waste Management, Inc. and Genstar Conservation Systems, Inc. to Genstar Waste Transfer, Inc.

ADOPTED by the Council of the Metropolitan Service District  
this 23rd day of May, 1985.

  
Ernie Bonner, Presiding Officer

STAFF REPORT

Agenda Item No. 8.1

Meeting Date May 23, 1985

CONSIDERATION OF RESOLUTION NO. 85-572 APPROVING  
THE TRANSFER OF FRANCHISE PERMIT NO. 5 FROM  
OREGON WASTE MANAGEMENT, INC. AND GENSTAR  
CONSERVATION SYSTEMS, INC. TO GENSTAR WASTE  
TRANSFER INC.

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Date: April 23, 1985

Presented by: Mary Jane Aman

FACTUAL BACKGROUND AND ANALYSIS

The Council of the Metropolitan Service District adopted Resolution No. 84-522 in December 1984 granting a Processing Facility Franchise to Oregon Waste Management, Inc. and Genstar Conservation Systems, Inc. This franchise was for the operation of the Oregon Processing and Recovery Center. Effective February 4, 1985, this facility was purchased by Genstar Waste Transfer, Inc.

In order to transfer the franchise, a transfer application must be filed and a new resolution adopted as set out in the Metro Code Section 5.01.090, Transfer of Franchise. That section requires the submission of a formal application which satisfies the conditions of Metro Code Section 5.01.060, Application for Franchise. Those conditions are set out in Exhibit "A" to this Staff Report. The transferee has met all of the conditions by providing a completed application along with (1) proof of ability to obtain required insurance and bonding; (2) letter of intent to transfer; (3) information on ownership of new entity; (4) proof of DEQ site permit application; and (5) signed consent of the property owner.

Therefore, the staff proposes the adoption of Resolution No. 85-572 to transfer Franchise Permit No. 5 from Oregon Waste Management, Inc. and Genstar Conservation, Inc. to Genstar Waste Transfer, Inc.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 85-572.

5.01.060 Applications:

(a) Applications for a franchise or for transfer of any interest in, modification, expansion, or renewal of an existing franchise shall be filed on forms provided by the Executive Officer.

(b) In addition to the information required on the forms, applicants must submit the following to the Executive Officer:

(1) Proof that the applicant can obtain and will be covered during the term of the franchise by a corporate surety bond guaranteeing full and faithful performance by the applicant of the duties and obligations of the franchise agreement. In determining the amount of bond to be required, the Executive Officer may consider the size of the site, facility or station, the population to be served, adjacent or nearby land uses, the potential danger of failure of service, and any other factor material to the operation of the franchise.

(2) In the case of an application for a franchise transfer, a letter of proposed transfer from the existing franchisee.

(3) Proof that the applicant can obtain public liability insurance, including automotive coverage, in the amounts of not less than \$300,000 for any number of claims arising out of a single accident or occurrence, \$50,000 to any claimant for any number of claims for damage to or destruction of property and, \$100,000 to any claimant for all other claims arising out of a single accident or occurrence or such other amounts as may be required by State law for public contracts.

(4) If the applicant is not an individual, a list of stockholders holding more than five (5%) percent of a corporation or similar entity, or of the partners of a partnership. Any subsequent changes in excess of five (5%) percent of ownership thereof must be reported within ten (10) days of such changes of ownership to the Executive Officer.

(5) A duplicate copy of the DEQ disposal site permit application and any other information required by or submitted to DEQ pursuant to ORS ch. 459.

(6) Signed consent by the owner(s) of the property to the proposed use of the property. The consent shall disclose the property interest held by the franchisee, the duration of that interest and shall include a statement that the property owner(s) have read and agree to be bound by the provisions of Section 5.01.190(e) of this chapter if the franchise is revoked or franchise renewal is refused.

(7) Proof that the applicant has received proper land use approval.

(8) Such other information as the Executive Officer deems necessary to determine an applicant's qualifications.

(c) Disposal sites, transfer stations, and processing facilities which are operating on the effective date of this chapter under a District Certificate or Agreement may continue service under the conditions of their District Certificate or Agreement until their franchise application is granted or denied provided, however, an abbreviated application form provided by the Executive Officer has been submitted to the District within thirty (30) days after receipt of such application. Applications filed pursuant to this section shall not be unreasonably denied.

(d) An incomplete or insufficient application shall not be accepted for filing. (Ordinance No. 81-111, Sec. 7; amended by Ordinance No. 82-136, Sec. 2)

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Ayes: Councilors DeJardin, Gardner, Kirkpatrick, Kelley,  
 Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Hansen, Kafoury, Myers and Oleson

The motion carried and the following items were approved or adopted:

- 6.1 Approval of the Minutes of the Meeting of April 25, 1985
- 6.2 Resolution No. 85-566, Authorizing Federal Funds for Eight 16(b)(2) Special Transportation Projects and Amending the Transportation Improvement Program
- 6.3 Resolution No. 85-567, Amending the Transportation Improvement Program to Incorporate Urban Mass Transportation Administration Grant Applications for 20 Accessible Vans
- 6.4 Resolution No. 85-568, Amending the Transportation Improvement Program to Include an I-5 Pavement Subsidence Geological Investigation Project
- 6.5 Resolution No. 85-570, Amending the Transportation Improvement Program to Expand the Scope of the Multnomah County S.E. Stark Street Project

## 7. RESOLUTIONS

- 7.1 Consideration of Resolution No. 85-572, for the Purpose of Approving the Transfer of Franchise Permit No. 5 from Oregon Waste Management, Inc. and Genstar Conservation Systems, Inc. to Genstar Waste Transfer, Inc.

Mary Jane Aman explained the purpose of the Resolution was to transfer the franchise permit to Genstar Waste Transfer, Inc. She reported the company had met all requirements for receiving a permit.

In response to Councilor Van Bergen's questions, Merle Irvine, Manager, Oregon Process & Recovery Center, P. O. Box 17561, Portland, explained that Genstar Waste Transfer, Inc. was wholly owned by Genstar Conservation Systems, Inc. and was the operating arm for all United States based solid waste facilities owned by Genstar Conservation. The corporation was publically held, he said. Mr. Irvine explained Genstar Waste Transfer was a California corporation licensed and registered to do business in the state of Oregon. Oregon assets included Genstar Waste Transfer's equipment at the St. Johns Landfill and the land, building and equipment at the Oregon Process & Recovery Center, he reported.



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Councilor Van Bergen asked about the bonding requirements for the franchise. Ms. Aman replied \$500,000 general liability insurance coverage and a \$25,000 performance bond - the same bond amount recommended for the original franchise application - had been received from Genstar Waste Transfer, Inc.

Councilor Van Bergen recalled the Council previously adopted a Resolution granting special disposal rates to Oregon Waste Management, the original franchisee. He asked if the special disposal rates would apply to Genstar Waste Transfer. Ms. Aman said the fee variance would transfer to Genstar Waste Transfer. Eleanore Baxendale further explained the initial variance was granted to the original franchisee. The franchise transfer to a different entity, if approved, would not effect the variance, she said, unless the franchisee decided to engage in work different from that for which the variance was granted. After discussion on the matter, Councilor Van Bergen said he would accept Counsel's opinion, but preferred the two matters - granting a franchise permit and a rate variance - should be decided separately.

Motion: Councilor Kirkpatrick moved to approve Resolution No. 85-572 and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Kirkpatrick, Kelley, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Hansen, Kafoury, Myers and Oleson

The motion carried and Resolution No. 85-572 was adopted.

7.2 Consideration of Resolution No. 85-574, for the Purpose of Granting an Exemption from the Public Contracting Procedure for the Purchase of Computer Equipment for Transportation Purposes

Ms. Baxendale explained she had reviewed a request for proposals (RFP) for computer equipment and authorized staff to distribute the document to qualified computer vendors. After the RFP was distributed, she became aware that Metro's Contract Procedures did not provide for use of an RFP for special equipment purchases unless an exemption to the Procedures were granted by the Council. She requested the exemption be granted due to the specialized requirements of the equipment.

Motion: Councilor Waker moved Resolution No. 85-574 be approved. Councilor Kirkpatrick seconded the motion.