

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A)	ORDINANCE NO. 96-644-B
FRANCHISE TO WASTE MANAGEMENT OF)	
OREGON FOR OPERATING A SOLID WASTE)	
PROCESSING AND RECOVERY FACILITY)	Introduced by Mike Burton
AND DECLARING AN EMERGENCY)	Executive Officer

WHEREAS, Section 5.01.030 of the Metro Code requires a Metro franchise for any person to own and operate a facility for processing solid waste; and

WHEREAS, Waste Management of Oregon (WMO) and TDK Corporation have applied for a non-exclusive franchise under which TDK Corporation would own, and WMO (as franchisee) would operate, a solid waste processing and recovery facility at Troutdale, Oregon; and

WHEREAS, WMO has submitted a franchise application in compliance with Metro Code Section 5.01.060; and

WHEREAS, The WMO Solid Waste Processing and Recovery Facility will provide recycling of waste delivered by affiliated companies, other commercial haulers, contractors and other businesses; and

WHEREAS, Issuance of a franchise to WMO is consistent with the policies set forth in the Regional Solid Waste Management Plan adopted November 1995 for removing recyclables from the mixed wastestream; and

WHEREAS, Metro Code Section 5.01.110 provides for the ability of Metro Council to grant variances pursuant to criteria contained therein; and

WHEREAS, WMO has requested a variance from Metro rate setting requirements as detailed in the staff report to this ordinance; and

WHEREAS, WMO has requested a variance from Metro Code Section 5.01.120(l) to allow it to retain ownership of its hauling companies and allow non-affiliated companies to use the Facility as detailed in the staff report to this ordinance; and

WHEREAS WMO has requested a variance from those portions of Metro Code sections 5.01.060(b)(6) and 5.01.180(e), requiring that the owner of a facility agree to allow Metro to place a new franchisee in the Facility, or force the sale of the Facility to a new franchisee, if the existing franchise is terminated; and

WHEREAS, based on information submitted by the franchise applicant, specified in the Staff Report or otherwise submitted, the Council has determined that it is appropriate to grant the variances requested; and

WHEREAS, WMO will provide a surety bond in the amount of \$100,000 as determined by Metro staff to be appropriate; and

WHEREAS, the Executive Officer recommends that the Council grant the attached franchise to WMO; and

WHEREAS, the Council unanimously finds that there is need to adopt this ordinance immediately, because planned absences of Council members would otherwise have caused unreasonable delays in the adoption of this ordinance; and

WHEREAS, the Council also unanimously finds that it is necessary for the welfare of the Metro area that this ordinance take effect immediately, because the facility is intended to recover additional materials from the solid waste stream, and the franchisee and facility owner need a signed franchise in order to begin construction of the facility; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Council authorizes the Executive Officer to enter into the attached franchise agreement within ten days of the effective date of this ordinance.
2. WMO is granted a variance from rate setting under Metro Code Section 5.01.110.

3. WMO is granted a variance from Metro Code section 5.01.120(l) to allow it to retain ownership of its hauling companies and allow non-affiliated companies to use the Facility.

4. WMO is granted a variance from those portions of Metro Code sections 5.01.060(b)(6) and 5.01.180(e) requiring that the property owner agree to allow Metro to place a new franchisee in the Facility, if the existing franchise is vacated.

5. An emergency having been declared for the reasons stated above, this ordinance shall take effect immediately, pursuant to Sections 37(2) and 39(1) of the 1992 Metro Charter.

ADOPTED by the Metro Council this 20th day of June, 1996.



Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:



Recording Secretary



Daniel B. Cooper, General Counsel

JG:clk
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