

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: December 8, 2020 **Approx. Start Time:** 3:30 **Approx. Length:** 30 minutes

Presentation Title: Franchise Area Transfer

Department: Transportation and Development - Sustainability & Solid Waste Program

Presenters: Rick Winterhalter, Senior Sustainability Analyst; Eben Polk, Sustainability Supervisor

Other Invitees: Dan Johnson, DTD Director; Cheryl Bell, DTD-Assistant Director; Beth Vargas Duncan representing *Clackamas County Refuse & Recycling Assoc.*

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

To take action on the November 23, 2020 recommendations from the Solid Waste Commission:

Approve a franchise transfer, through a change in control of Bliss Sanitary Service, Inc..

EXECUTIVE SUMMARY:

The Clackamas County Solid Waste and Waste Management Code (10.03.250) allows the holder of a solid waste or wastes Collection Service Franchise to change control of the franchise to other persons by providing written notification and with approval from the Board. The Board may approve the transaction with a recommendation from the Solid Waste Commission.

In 1970 Cleve Bliss Garbage Service was granted one of the County's original solid waste collection franchises (70-16-C) serving the area "from Shorty's Corner (Firwood Rd) east to County Line" (Attachment 1). Mr. Bliss had been serving this part of the county since the mid 1950's. Mr. Bliss incorporated his business, as Bliss Sanitary Service, Inc., in 1973 and this corporation has held the franchise since that time.

In 1986 the Board approved the transfer of the franchise from Cleve to his son and daughter-in-law Jim and Shirley Bliss. Bliss Sanitary has continued to provide service to the area since that time and expanded the business to include recycling services for all of their mountain customers.

Jim and Shirley Bliss are seeking approval to transfer the franchise to Rhonda Bliss (their daughter) through a change in control of Bliss Sanitary Service, Inc. (*Application attached*). Rhonda has worked for the company with increasing responsibility since July of 1994 and is currently the manager. This transfer meets all the conditions in Chapter 10.03.250 of the County Code.

FINANCIAL IMPLICATIONS:

Is this item in your current budget? N/A

What is the cost? N/A

What is the funding source? N/A

STRATEGIC PLAN ALIGNMENT:

- **How does this item align with your Department’s Strategic Business Plan goals?**
This item is a result of providing franchise oversight of the solid waste.
- **How does this item align with the County’s Performance Clackamas goals?**
Every county citizen has access to safe, convenient garbage and recycling services to ensure healthy communities.

LEGAL/POLICY REQUIREMENTS:

Chapter 10.03.240 Transfer of Franchise and 10.03.250 Change in Control of Franchises requires the Commission to recommend to the Board an approval of a transfer if it finds that the transferee meets all applicable requirements met by the original Collection Service Franchise holder.

STAFF/FRANCHISEE PARTICIPATION:

The Solid Waste Commission met November 23, 2020 to discuss the issue and unanimously voted to endorse the transfer. The franchisee submitted a signed application to staff requesting the transfer. Staff has reviewed the application and find it in order.

OPTIONS:

1. Approve the transfer of franchise area 70-16-C held by Bliss Sanitary Service, Inc. through a change in control of the corporation, effective January 1, 2021.
2. Deny the transfer of franchise area 70-16-C held by Bliss Sanitary Service, Inc.

RECOMMENDATION:

Staff respectfully recommends that the Board of County Commissioners approve the transfer of franchise area 70-16-C held by Bliss Sanitary Service, Inc. through a change in control of the corporation, effective January 1, 2021.

ATTACHMENTS:

1. Bliss Franchise Map (70-16-C)
2. Application Bliss Transfer
3. BO FranchiseTransferBliss120820

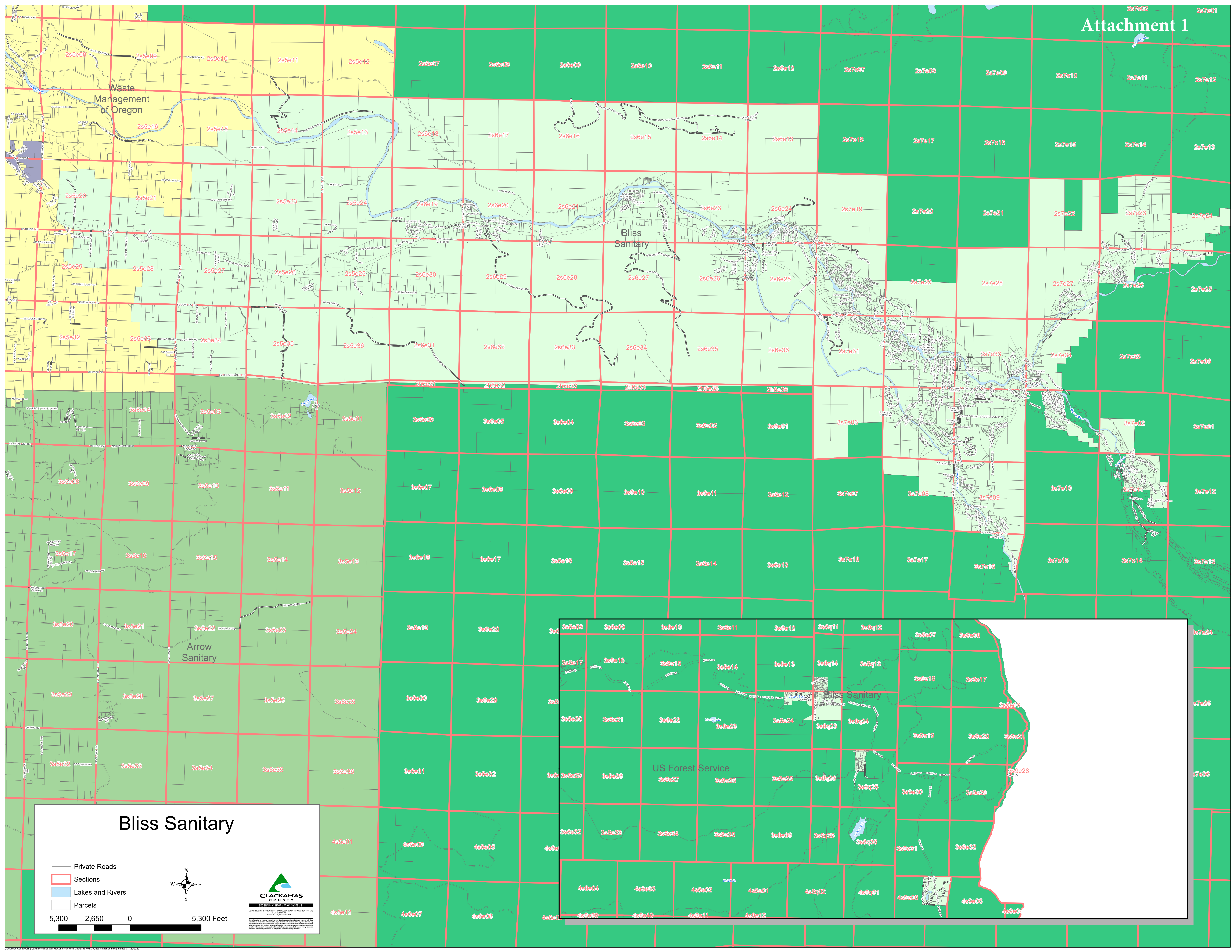
SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval *Dan Johnson*

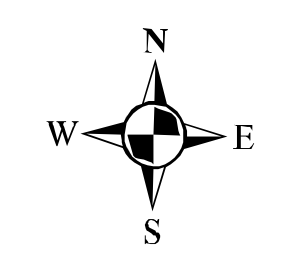
County Administrator Approval _____

For information on this issue or copies of attachments, please contact: Rick Winterhalter @ 503-742-4466

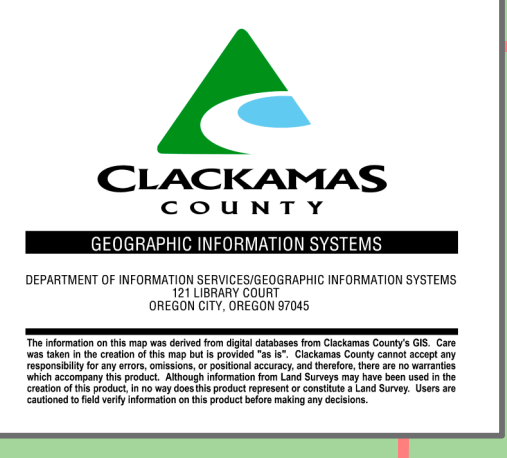


Bliss Sanitary

- Private Roads
- Sections
- Lakes and Rivers
- Parcels



5,300 2,650 0 5,300 Feet



**APPLICATION to TRANSFER a FRANCHISE
Through Change in Control**

Transferor

Name of Franchise

To be Transferred: Bliss Sanitary Service, Inc.

Number of the Franchise

To Be Transferred: 70-16-C

NAME OF AUTHORIZED FRANCHISE HOLDER: Bliss Sanitary Service, Inc.

The Franchise holder is a: Privately held corporation; Publicly Traded Corporation;

Partnership; LLC; Single Proprietorship; Other _____

In the case of corporations please list all the officers and registered agent and their contact information. List the registry number assigned to the corporation by the Secretary of State's State Corporation Division for all business entities and aliases associated with the entity holding the current franchise. Attach documentation verifying the information or simply refer to the documentation. *An example of the documentation would be a copy of the search results on the Secretary of State's State Corporation Division website. <http://www.filinginoregon.com/>*

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Duration Date	Next Renewal Date
104094-15	DBC	ACT	Oregon	12-20-1973		12-20-2018

Entity Name	Bliss Sanitary Service, Inc.
Foreign Name	

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	28371 SE HWY 212				
CSZ	BORING	OR	97009	Country	UNITED STATES OF AMERICA
Type	AGT	REGISTERED AGENT		Start Date	11-17-1986
Name	James	A	Bliss	Phone Number:	503-658-4617
Addr 1	18855 SE Heuke Rd				
CSZ	Damascus	OR	97089	Country	UNITED STATES OF AMERICA

Transferor continued

Registered Agent, continued					
Type	MAILING ADDRESS				
Addr 1	PO BOX 935				
CSZ	BORING	OR	97009	Country	UNITED STATES OF AMERICA

Type	PR E	PRESIDENT				Resign Date	
Name	James	A	Bliss		Phone Number:	503-658-4617	
Addr 1	18855 SE Heuke Rd						
CSZ	Damascus	OR	97089		Country	UNITED STATES OF AMERICA	

Type	SE C	SECRETARY				Resign Date	
Name	Shirley	A	Bliss		Phone Number:	503-658-4617	
Addr 1	18855 SE Heuke Rd						
CSZ	Damascus	OR	97089		Country	UNITED STATES OF AMERICA	

Transferee

Name of Business Entity Proposing to Hold the Bliss Sanitary Service, Inc. franchise number 70-16-C named above:

BLISS SANITARY SERVICE, INC.

This will be the name used in the Board action granting this entity the privilege of operating a solid waste collection franchise under Clackamas County Code 10.03.

This business entity is a: Privately held corporation; Publicly Traded Corporation;

Partnership; LLC; Single Proprietorship; Other _____

In the case of corporations please list all the officers and registered agent and their contact information. List the registry number assigned to the corporation by the Secretary of State's State Corporation Division for all business entities and aliases associated with the entity holding the current franchise. Attach documentation verifying the information or simply refer to the documentation. An example of the documentation would be a copy of the search results on the Secretary of State's State Corporation Division website. <http://www.filinginoregon.com/>

NAME OF AUTHORIZED OWNER AND / OR COORPORATION:

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Duration Date	Renewal Date
204210-95	DBC	ACT	OREGON	03-01-2004		
Entity Name	Bliss Sanitary Service, Inc.					
Foreign Name						
Type	PRINCIPAL PLACE OF BUSINESS					
Addr 1	28371 SE HWY 212					
CSZ	BORING	OR	97009	Country	UNITED STATES OF AMERICA	
Type	AG T	REGISTERED AGENT		Start Date	03-01-2004	Resign Date
Name	Rhonda E Bliss			Phone Number:	503-623-3417	
Addr 1	43242 SE Tapp Rd Sandy OR 97055					
Type	MA L	MAILING ADDRESS				
Addr 1	Po Box 935					
CSZ	Boring	OR	97009	Country	UNITED STATES OF AMERICA	
Type	PR	PRESIDENT			Resign Date	

	E				
Name	Rhonda	E	Bliss	Phone Number:	503-663-3417
Addr 1	43242 SE Tapp Rd				
CSZ	Sandy	OR	97055	Country	UNITED STATES OF AMERICA

Type	SE C	SECRETARY		Resign Date	
Name	Cheyenne	m	Baker	Phone Number:	503-663-3417
Addr 1	43242 SE Tapp Rd				
CSZ	Sandy	OR	97055	Country	UNITED STATES OF AMERICA

TRANSFeree

1. I SHALL notify the County of any intent to change principal ownership or name of the business entity holding the franchise.
 YES NO
2. I SHALL submit a written request receive the forms for *Change in Control* or *Name Change* of the Franchise Holder prior to either action occurring.
 YES NO
3. I SHALL notify the County of any intent to transfer the franchise to another person or entity.
 YES NO
4. I SHALL be bound by the County's decision to accept or deny a *Change in Control*, *Name Change*, or *Transfer* of the franchise.
 YES NO
5. I recognize the County's authority to revoke the privileges of holding this franchise without compensation.
 YES NO
6. I recognize the County's authority to realign the borders of the area served by this franchise.
 YES NO
7. I HAVE not willfully misrepresented the material facts or information given in this application for a franchise.
 YES NO
8. I SHALL not willfully misrepresent material facts or information given in a future application for a franchise.
 YES NO
9. I SHALL comply with all policies established by the County during the Franchise period.
 YES NO
10. I SHALL use only authorized disposal sites.
 YES NO
11. I SHALL notify the County of all disposal sites used at the time of this application and when those sites change.
 YES NO

12. I SHALL furnish the County with a Certificate of Insurance and comply with Section 10.03.160 B 4, 5 and 6 of the Clackamas County Solid Waste and Waste Management Code and any subsequent amendments of regulations adopted thereto.
 YES NO
13. I SHALL make accurate and timely franchise fee payments due the County under the Clackamas County Code and any subsequent amendments of regulations adopted thereto.
 YES NO
14. I SHALL submit, on forms provided by the County, the production records of the transferor beginning January 1 of the year of the transfer to the closest month end prior to the submittal of the request for transfer.
 YES NO
15. I SHALL separately submit, on forms provided by the County, the financial and production records of the transferor beginning January 1 of the year of the transfer to the date of the transfer as determined by the Board of County Commissioners. If the transfer takes place in the first quarter the submittal date shall be June 10; if in the second quarter the submittal date shall be September 10, if in the third quarter the , submittal date shall be September 10; in in the fourth quarter the submittal shall be the same as required for the annual financial review.
 YES NO
16. I SHALL separately submit, on forms provided by the County, the financial and production records produced by me after assuming operational responsibility of the franchise at the time of required submittal for the annual financial review.
 YES NO
17. I SHALL combine, on forms provided by the County, the financial and production records produced by the transferor prior to my assuming operational responsibility of this franchise, with the production records produced by me after assuming operational responsibility, in order to meet the County's requirement for generation of the annual financial review report.
 YES NO
18. I SHALL maintain collection vehicles, equipment, facilities and personnel commensurate with existing service.
 YES NO
19. I SHALL continue to serve customers at the level of service they are accustomed to at the time of the transfer.
 YES NO
20. I SHALL notify the County of any intention to change the level of service provided to customers at the time of the transfer.
 YES NO
21. I SHALL notify the County of any impending changes to collection vehicles, equipment, facilities and personnel (management and other County contacts) during the franchise period.
 YES NO
22. I SHALL secure written approval of the County prior to making changes to collection vehicles, and equipment affecting a change in service delivery from that of the transferor.
 YES NO
23. I SHALL not willfully refuse to provide adequate service in a defined service area.
 YES NO
24. I SHALL not willfully misrepresent the total number of customers or any other information relating to performing the operations necessary to comply with the Clackamas County Code and any subsequent amendments of regulations adopted thereto.
 YES NO

25. I SHALL not willfully violate the Clackamas County Code, Administrative Rules, ORS Chapter 459 and 459A, or the rules or regulations promulgated there under and any subsequent amendments of regulations adopted thereto.

YES NO

26. I SHALL provide the best possible integrated solid waste collection service in the area served by my Clackamas County Franchise.

YES NO

TRANSFeree (BUYER)

I/we agree to the above commitments and will attend any Board of County Commission or Solid Waste Commission meeting on this matter to answer any questions regarding the transfer of the franchise by any Board, Commission or staff member.

[Signature]
(signature)

Cheyenne M Baker
(signature)

Rhonda E Bliss
(print name)

Cheyenne M Baker
(print name)

President
Title

Title Secretary

DATE: 12/01/19

TRANSFEROR (SELLER)

I/we agree to the transfer and sale

[Signature]
(signature)

Shirley A Bliss
(signature)

James A Bliss
(print name)

Shirley A Bliss
(print name)

President
Title

Title Secretary Title

DATE: 12/01/19

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of a Transfer of the Collection Service Franchise and service area held by Bliss Sanitary Service, Inc. through a change in control.



Board Order No. _____

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Whereas, this matter coming before the Board of County Commissioners at this time and it appearing to the Board that an application for transfer of the Solid Waste Collection Service Franchise and service area 70-16-C has been received by the Solid Waste Commission pursuant to Section 10.03.250 of the County Code; and

Whereas the Solid Waste Commission at its meeting of November 23, 2020 reviewed the application and made its findings as follows:

1. That the franchise to collect solid waste in Clackamas County, area 70-16-C, was granted to Cleveland Bliss Garbage Service by Board Order No. 70-1074 in July 1970; and
2. That Cleveland Bliss Garbage Service incorporated in 1973 as Bliss Sanitary Service, Inc. with controlling interest held by Cleveland Bliss; and
3. That Cleveland Bliss sold controlling interest in Bliss Sanitary Service, Inc. to James A. and Shirley A. Bliss and the franchise was transferred by Board Order 86-885 on August 21, 1986; and
4. That James A. and Shirley A. Bliss intend to sell their controlling interest in Bliss Sanitary Service, Inc. to Rhonda Bliss; and
5. That Ronda Bliss is of good moral character; and
6. That Bliss Sanitary Service, Inc. continues to have available collection vehicles, equipment, facilities and personnel sufficient to meet the standards of the Clackamas County Code Chapter 10.03; and
7. That Bliss Sanitary Service, Inc. shall be subject to all laws, ordinances, and other applicable conditions and requirements of franchise holders in Clackamas County.

Whereas, on the basis of its findings, the Solid Waste Commission has recommended in favor of the transfer, through a change in control, of the Collection Service Franchise held by Bliss Sanitary Service, Inc.; and

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of a Transfer of the
Collection Service Franchise
and service area held by Bliss
Sanitary Service, Inc. through a
change in control.



Board Order No. _____
Page 2 of 2

**NOW THEREFORE, the Clackamas County Board of County
Commissioners resolves as follows:**

1. The Board of Commissioners accepts the findings and recommendations of the Solid Waste Commission set forth above; and
2. The Solid Waste Collection Service Franchise and service area (70-16-C) held by Bliss Sanitary Service, Inc. with James A. Shirley A. Bliss as owners is hereby transferred to Bliss Sanitary Service, Inc., with Rhonda Bliss as owner. Said transfer to be effective January 1, 2021.

DATED this 17th day of December, 2020

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary