

BEFORE THE CITY COUNCIL FOR THE CITY OF
LAFAYETTE, OREGON
SITTING FOR THE TRANSACTION OF CITY BUSINESS

AN ORDINANCE RELATING TO)
THE CHANGE IN)
CONTROL UNDER AN EXCLUSIVE)
GARBAGE FRANCHISE AND) **ORDINANCE NO. 614**
ACCEPTANCE OF SAID CHANGE)
IN CONTROL)
BY RECOLOGY OREGON, INC.,)
AMENDING ORDINANCE 579,)
AND REPEALING ORDINANCE 610)
_____)

THE CITY COUNCIL (“the Council”) OF THE CITY OF LAFAYETTE, OREGON (“the City”) sat for the transaction of City business on Thursday, 9 December 2010 at 6:30 p.m. in the Council Chambers, Lafayette City Hall.

WHEREAS, the City of Lafayette granted an exclusive franchise to City Sanitary and Recycling Service, Inc., doing business as Western Oregon Waste –Valley (“WOW—Valley”) for the purpose of solid waste management by Ordinance No. 579, adopted on the 8th day of December, 2005; and

WHEREAS, K.E. Enterprises inc. (“KE”) owns 100% of the stock of WOW-Valley; and

WHEREAS, Recology Oregon, Inc. (“Recology Oregon”) intends to purchase all of the stock of KE that it does not already own through a single or series of transactions (“Transactions”) and Recology Inc. (“Recology”) owns 100% of the stock of Recology Oregon; and

WHEREAS, the Transactions will result in Recology indirectly owning WOW-Valley through its wholly-owned subsidiary, Recology Oregon; and

WHEREAS, the City of Lafayette understands that WOW-Valley has requested that the City approve the change of the majority ownership of WOW-Valley to Recology Oregon when the Transactions are completed pursuant to its exclusive franchise agreement; and

WHEREAS, the Lafayette City Council has reviewed the facts relating to the Transaction and finds that Recology Oregon possesses sufficient knowledge, experience and the financial resources necessary to meet the obligations of the franchise agreement and that the Transaction is acceptable; NOW, THEREFORE

THE CITY OF LAFAYETTE, OREGON ORDAINS AS FOLLOWS:

Section 1. New Section (“Notices”) Added to Franchise. A new Article XV shall be added which shall read as follows:

ARTICLE XV
NOTICES

Any notice provided for under this Franchise shall be sufficient if in writing and (1) delivered personally to the addressee, (2) deposited in the United States mail, postage prepaid, certified mail, return receipt requested, or (3) sent by overnight or commercial air

courier (such as Federal Express of UPS), addressed as follows, or to such other address as the receiving party hereafter shall specify in writing:

If to the City:

City Administrator, City of Lafayette, Oregon
P.O. Box 55
Lafayette, Oregon 97127

If to the Grantee:
Western Oregon Waste
Joseph Cook, Vice President and General Manager
PO Box 509
McMinnville, Oregon 97128

Section 2. Consent to Transaction. The City consents to the abovementioned Transactions.

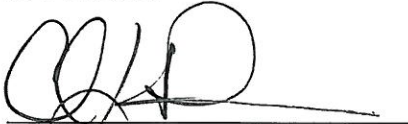
Section 3. Ordinance No. 610, enacted 14 October 2010, is hereby repealed.

Section 4. Effective Date. This Ordinance shall be in effect 30 days following its enactment by the Council.

ADOPTED by the Council on the 9th day of December, 2010.

VOTE: Ayes: 3 Nays: 0 Abstentions: 0 Absent: 2 Vacancies: 3

CITY OF LAFAYETTE
APPROVED:



Mayor

ATTESTED:



City Recorder

ACCEPTED BY RECOLOGY OREGON, INC.

Attested to:
