



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

J.5.

7/20/2021

Subject:

Financial Incentive For Resident Reporting of Waste Management Missed Pickups

Fiscal Impact:

Indeterminate - Dependent on Waste Management performance and number of valid complaints

Dept/Office:

District 3

Requested Action:

Authorize staff to create and implement a program, with formalized procedures, incentivizing reporting of future solid waste collection issues and delays with payments to parties reporting legitimate complaints. Direct staff to verify, claim, and withhold the maximum justifiable liquidated damage value allowable under the County's contract with Waste Management until further direction from the BoCC. Lastly, authorize the Chair to execute all documents necessary to effectuate these directives.

Summary Explanation and Background:

On October 1, 2020, the District 2 Commissioner introduced an item with an identical requested action to the one at hand. Commissioner Lober reintroduced the item on May 6, 2021 after Waste Management did not rectify the issue.

The latest data show incontrovertibly that the problem is getting progressively worse (see e.g. attached graph). As such, it is requested that the Board reconsider the proposal.

Clerk to the Board Instructions:



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

July 21, 2021

MEMORANDUM

TO: Tom Mulligan, Solid Waste Management Interim Director

RE: Item J.5., Financial Incentive for Resident Reporting of Waste Management Missed Pickups

The Board of County Commissioners, in regular session on July 20, 2021, directed staff to seek all available contractual remedies in the form of liquidated damages for service failures by Waste Management beginning August 20, 2021, until further direction from the Board; authorized sharing the proceeds with the rate payers who report these failures as follows: \$20, less processing or Administrative costs, for verified phone reported missed pickups, or \$25 for electronically reported and verified missed pickups using the County's online system, less administrative costs; and authorized that the maximum amount that any rate payer would receive in the course of a year, would be what they pay toward the actual service.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

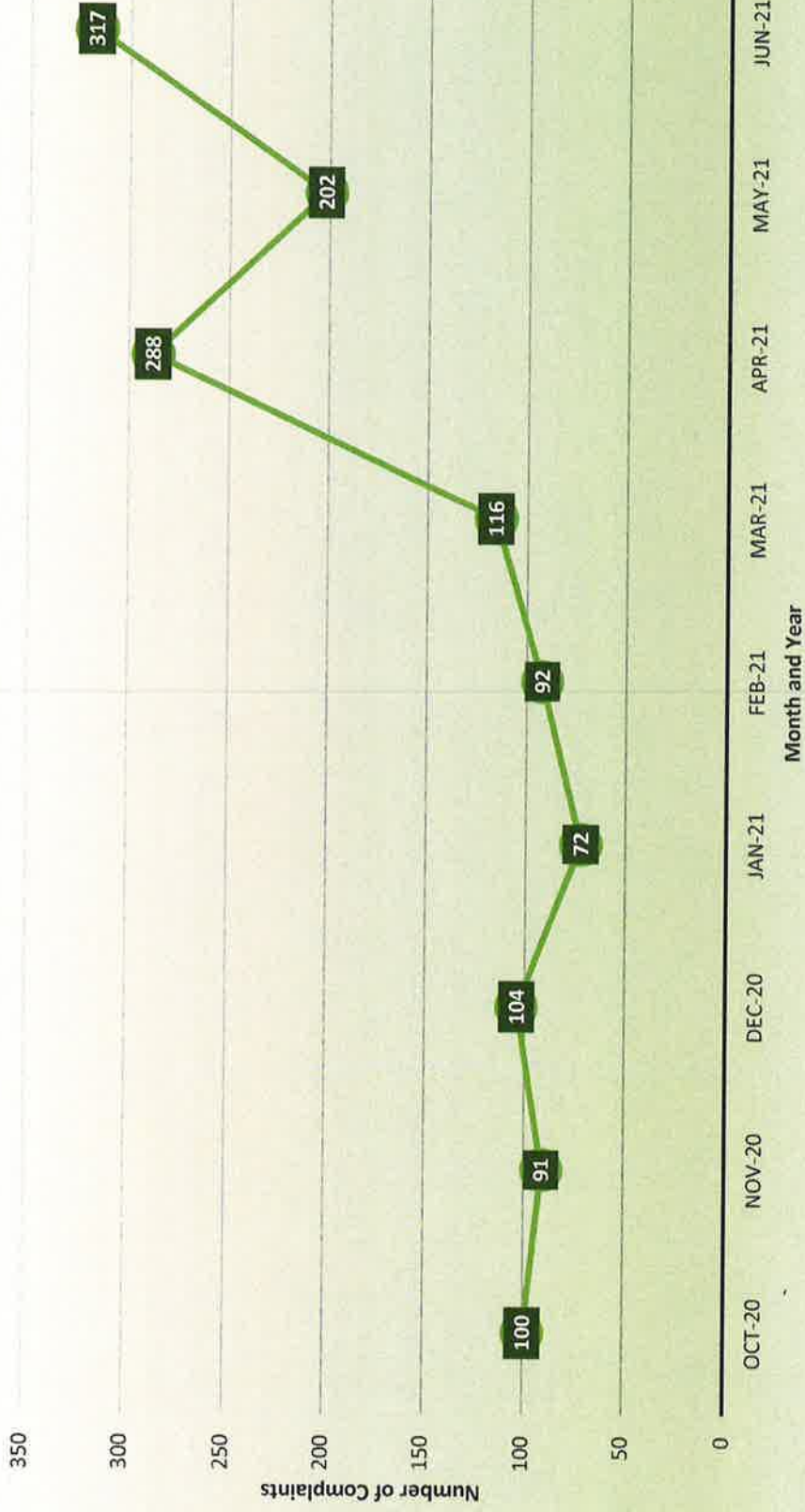
A handwritten signature in cursive script, reading "Kimberly Powell".

Kimberly Powell, Clerk to the Board

cc: Each Commissioner
County Manager
County Attorney
Finance
Budget

7/20/21
J(5)
Financial Incentive
for Property Waste Management

Waste Management Verified Missed Pickups



*Solid Waste Department, 7/13/2021



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Add-On

J.1.

10/1/2020

Subject:

Financial Incentive for Constituent Reporting of Waste Management Missed Pickups, District 2

Fiscal Impact:

The total fiscal impact is unknowable as it relates to the number of valid complaints to be received, in the future, due to missed Waste Management pickups. Funds related to this agenda item will be associated with Fund #4110 and Account #361100.

Dept/Office:

District 2

Requested Action:

Authorize staff to create and implement a program, with formalized procedures, incentivizing reporting of future solid waste collection issues and delays with payments to parties reporting legitimate complaints. Direct staff to verify, claim, and withhold the maximum justifiable liquidated damage value allowable under the County's contract with Waste Management until further direction from the BoCC. Lastly, authorize the Chair to execute all documents necessary to effectuate these directives.

Summary Explanation and Background:

As it has done in the past, Brevard County put out to competitive bid a seven-year garbage collection contract. Bids received were substantially higher than those received the last time the contract went out to bid. The lowest bidder, Waste Management, was negotiated down from their formal bid but the cost, nevertheless and unavoidably, increased substantially, on a percentage basis, from existing rates.

Given that the County had no viable less expensive alternative and trash would otherwise go uncollected, Waste Management was awarded the contract. As bids went through the same competitive process as the last time the contract went out to bid, Waste Management has no obligation to justify their rate increase. Despite the high percentage increase, they were the least expensive option for the County.

While I would like to see the County perform a feasibility study of bringing solid waste collection in-house and I absolutely support allocating funding to accomplish this, we must address immediate and pressing issues.

As if facing admittedly unavoidable increased service fees were not bad enough, over the course of the ongoing pandemic, numerous complaints have been received, and continue to be received, regarding missed

trash pickups on the part of Waste Management.

Staff shall verify, claim, and withhold the maximum justifiable liquidated damage value allowable under the County's contract with Waste Management until further direction from the BoCC.

Monitoring performance by Waste Management can be time consuming and costly. Residents who do not receive service as required by the contract between Brevard County and Waste Management, Inc. dated June 1, 2020, may provide valuable information regarding service failures and save Brevard County time and money by providing details and possible evidence. These details may save travel time and expenses otherwise incurred in the verification of the incident. Accordingly, a program is proposed to incentivize reports of all future service failures by Waste Management through payments to complaining parties with the goal of ensuring all problems are reported and addressed and promised service levels are reached by Waste Management. Individuals filing valid complaints, called legitimate complaints in the contract with Waste Management, would be paid \$20.

Given the ongoing health-related local state of emergency, complaints directed to the County will only be accepted by telephone or through an electronic form on the County's website. Due to validation requirements, phone complaints must be directed to the County's Solid Waste Management Department and will not be accepted by any other County department. Under the contract with Waste Management, complaints may also be made to Waste Management. No incentive payment will be made for those complaints.

If deemed legally permissible by the County Attorney's Office, staff will implement an additional \$5 payment to be paid for each such valid complaint correctly and completely reported using the County's online reporting system which reduces staff burden and substantially frees staff from having to stop what they are doing to field calls regarding missed pickups. To qualify for the additional \$5 payment, complainants must correctly and completely fill all applicable fields on the online reporting system.

Payments will only be made to the owner of the property paying the special assessment. Payments would be capped or limited to the amount of the annual special assessment for solid waste collection charged to the parcel associated with the complaint; regardless of whether a tenant or landowner has made complaints, the total amount paid by Brevard County shall not exceed the amount of the annual special assessment for the impacted parcel. All complaints will go through a verification process and payments will only be made after the complaint has been deemed a legitimate complaint pursuant to the contract terms.

As the foregoing proposal relates only to future complaints filed with the County's Solid Waste Department, in the interest of equity, staff will investigate whether it is permissible to pay service payers, individually or collectively, for reports received between July 31, 2020 and October 1, 2020. If this is permissible, staff is instructed to take all steps necessary and the Chair is authorized to execute all documents necessary to accomplish this direction. If a payment could be provided to either individual complainants or all rate payers, in the interest of fairness, preference shall go toward individual complainants unless the administrative cost(s) of paying individual complainants exceeds the payment amount(s) otherwise to be provided to them. The same limitations and exclusions shall apply to prior complaints as they shall with future complaints.

Clerk to the Board Instructions:



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2874, **Version:** 1

Subject:

Financial Incentive for Constituent Reporting of Waste Management Missed Pickups, District 2

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Dept/Office:

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Given that the County had no viable less expensive alternative and trash would otherwise go uncollected, Waste Management was awarded the contract. As bids went through the same competitive process as the last time the contract went out to bid, Waste Management has no obligation to justify their rate increase. Despite the high percentage increase, they were the least expensive option for the County.

While I would very much like to see the County perform a feasibility study of bringing solid waste collection in-house and I absolutely support allocating funding to accomplish this, we must address immediate and pressing issues. That said, I wish to reiterate my proposal and ongoing support for using a portion of the ARPA relief funds, directly or otherwise, to effectuate a feasibility study to bring waste collection in-house so that we will not remain reliant upon an outside entity to perform trash collection. As we have seen, service levels have been unacceptable more than once, hence the need to revisit this agenda item a second time.

As if facing admittedly unavoidable increased service fees were not bad enough, over the course of the ongoing pandemic, numerous complaints have been received, and continue to be received, regarding missed

trash pickups on the part of Waste Management.

This proposal was initially brought to the attention of the BoCC on 10/1/2020 and an essentially identical motion failed by one vote. Given that complaints are still ongoing as of 4/27/2021, it is appropriate to revisit this item. Please see attached dozens of pages of recent complaints which represent some but not all complaints received in the past several weeks alone.

When this was last addressed, by the BoCC, only one individual (Kristina Jackson of Cocoa, FL) made use of public comment to defend Waste Management. Waste Management reps were apologetic and not remotely as defensive of themselves as Ms. Jackson was of them. Appropriately, WM offered "a sincere apology" for difficulties associated with service failures both to the County as well as to residents. Ms. Jackson's defense of Waste Management was so extreme, bizarre, and replete with specious arguments that another commissioner inquired whether "she had a relationship with Waste Management." (My educated guess is that Ms. Jackson used the agenda item as a pretext to attack me for having had the audacity to do precisely what I was elected to do by proposing that we hold WM to their contractual obligations. Evidencing this, during her comment on this item, Ms. Jackson complained about an unrelated action I took to better ensure that constituents receive the full benefit of a then proposed contract into which Brevard County was considering entering by baselessly suggesting there existed personal animus in both that situation and with respect to WM, something even WM flatly denied.)

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