

July 30, 2020

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, July 30, 2020

1:00 PM

Special Meeting

Commission Chambers

I. CALL TO ORDER 1:00 PM

Special Meeting

Present: Commissioner District 1 Rita Pritchett, Commissioner District 2 Bryan Lober, Commissioner District 3 John Tobia, Commissioner District 4 Curt Smith, and Commissioner District 5 Kristine Isnardi

II. DISCUSSION: RE: Waste Management Collection

Lisa McKnight, Waste Management Representative, stated her career with Waste Management is just over 25 years; she is part of its leadership team and resides in Tampa; she oversees about 40 counties in Florida, and Brevard is one of them; she is disappointed to have to stand before the Board regarding Waste Management's service during the COVID-19 pandemic, especially when the Board so graciously awarded Waste Management a new contract, starting October 1; and it has allowed their long-term partnership to continue for many more years to come. She noted that on February 11, the Board praised Waste Management's service, and her company is eager to return to that expectation; she mentioned that during the recent July 7 Board meeting, Dina Reider-Hicks spoke of the impacts of COVID-19; she wanted to stress some of the action items that will take place, which are expanding the landfill time and working their drivers the maximum 14 hours, according to Department of Transportation's (DOT) regulations; since the Board is meeting during her company's service time to Brevard County, she has asked some drivers to come and speak before the Board about what is taking place in their community; and she provided a video, COVID-19, A Waste Management Driver Perspective, to be played before the Board. She reiterated that in this time of uncertainty, drivers and their families have gone above and beyond to help each other in the Brevard community in which they reside; she understands that the Board would like her to promise that the situation will be fixed tomorrow; her company is trying to fix it and have come up with mutually agreeable solutions, such as expanding the landfill hours; there is now a dedicated fast lane at the scale house; and those are significant improvements that they have seen this week. She pointed out to the Board that they are providing all of the services in their contract; her company is aware that the routes are running significantly delayed; if one looks at each of the 84,000 single family homes, there are five potential touch points from Waste Management; there are the two times per week trash, one time per week recycle, one time per week yard waste, and one time per week ball pickup; and when that is calculated over the month, Waste Management touches Brevard County's unincorporated residents over 1.8 million times. She informed the Board that in the June report they provided to the Solid Waste Staff, there were 204 complaints; if one takes those complaints, whether it is per service or even for the 84,000 plus homes, it is less than one percent; she is not trying to mitigate, because one complaint is more than her company should have; that means 99 percent of the residents appear to be understanding of the service delays and challenges that Waste Management has due to COVID-19; and Waste Management continues to actively recruit, hire, and train onboard new drivers every day. She reported that they recently held 60 interviews and offered 12 positions; at the same time, they have not wavered from their commitment to safety excellence and their mission to their Zero Safety Culture; during their traditional 100 days of Summer Safety, which is an internal safety competition, she is pleased to report that the Melbourne and Cocoa sites are ranked number one; and despite all of the uncertainty, the Board should be proud of the drivers and the local leadership of the Operations team that are continuing to provide dedicated service to Brevard County in a safe manner.

Chair Lober questioned if any of the drivers that were shown in the video are working routes in Brevard.

Ms. McKnight replied yes; the drivers are strictly working in the Brevard unincorporated area; and there were two drivers from both the north and south area.

Chair Lober inquired if the video would be representative of the conditions in Brevard County as a whole, or at least for the most part.

Ms. McKnight responded that was correct, but also beyond Brevard County, and even the entire State of Florida.

Chair Lober questioned if there was a lot more garbage to be picked up according to what one of the drivers stated in the video; and he inquired if the driver was referring to residences or businesses.

Ms. McKnight replied he was referring to residences; Waste Management is only focusing on the residential line of business; the commercial line of business has had a significant volume decrease which is why they have had the ability to pull drivers from one line of business to another; she asserted that when she watched the full video and not the condensed version she provided to the Board, she was somewhat surprised to learn they are picking up a lot of material that is even outside the carts; there is an abundance of material in the carts and outside the carts; and an increase in volume for both trash, recycling, and unlimited waste.

Commissioner Tobia thanked Ms. McKnight for putting together that informative video; he stated he is very fortunate that those drivers working all that extra time had the opportunity to make such an informative video; and he inquired if the increased volume is COVID-19 related.

Ms. McKnight responded affirmatively; there are many people working from home and schools are closed, so there is much more material; and people are doing more home improvement projects also.

Commissioner Tobia inquired if that was County-wide.

Ms. McKnight replied that it was all over the United States.

Commissioner Tobia inquired if she heard that volume had declined 10.3 percent in the second quarter of 2020 primarily due to the COVID-19 related pandemic, a 16 percent drop of industrial, and 18 percent of landfill or if those were just crazy numbers.

Ms. McKnight responded that the Solid Waste team has pulled together some overall reports related to...

Commissioner Tobia interjected this was not County stuff, but he just pulled the numbers; and he inquired if Ms. McKnight have ever heard of those numbers.

Ms. McKnight replied she was not sure of the numbers Commissioner Tobia was speaking of.

Commissioner Tobia stated he will be more than willing to share the report with her; Waste Management announced second quarter earnings this morning; he congratulated her for their earnings; he reported that earnings progressed each month, with June as the strongest month so far, with 3.56 billion dollars; her press release states volume has declined 10.3 percent in the second quarter of 2020, primarily due to the COVID-19 pandemic; and this is not his but her company. He inquired if she could explain how Brevard County is so different than the rest of Waste Management; and he questioned if COVID-19 is different here.

Ms. McKnight responded that when one looks at the overall volume declines, yes, that is correct; and she is speaking of residential line of business volume increases.

Commissioner Tobia reported that Waste Management's numbers were a 13 percent decrease for residential, 16 percent for industrial, and 18 overall in landfill; and they are all decreases.

Ms. McKnight stated that the year over year increases could be the difference in contract losses; there is a lot of factors that play into volume figures.

Commissioner Tobia asserted that those are her numbers.

Ms. McKnight responded that she completely understands, but she was preparing for this meeting; and she did not have the opportunity to look at her company's earnings report today.

Commissioner Tobia reiterated that those were her numbers; he stated he did have the time to look at the report, because he takes this very seriously; if he is going through her company's documents, for future reference, he would expect the same diligence as the Board has from her; he would suggest she spend less time making videos and more time actually coming in with realistic numbers as they move forward; and he would be more than willing to share the report with her. He reiterated that, of course, it is available online; and he congratulated her on the 3.56 billion dollars this quarter.

Chair Lober requested that Ms. McKnight give the Board more information on what Waste Management has been doing over the past several weeks or months with respect to hiring drivers, whether permanent or temporary; he inquired if she looked at shifting drivers from the commercial routes to residential; he is trying to get an understanding of what has been done to try to mitigate the issue and what can be done, moving forward, to put everyone in a better place; and although it is uncomfortable for her to be there, it is uncomfortable for everyone. He went on to say that it may not be at the same degree, at the moment, but he wishes the County did not have the issue; he wishes that the County did not have the constituent complaints; the only way to avoid that is to get the County back to where it was before; he noted Ms. McKnight mentioned earlier that the Board complimented Waste Management's service in February; and he agrees. He added that he did not have any complaints; the issues that were brought to his attention by constituents back then were few and far between; everytime he called up Dina she made it right very quickly, but obviously something happened; whether it is entirely, mostly, or partly COVID-19, something changed from service that was great to what the County is seeing now; and he hopes she can tell the Board what she is doing, as far as the driver situation is concerned.

Ms. McKnight replied there are a combination of things; when COVID-19 first started, her company did not see significant impacts here in Brevard County or even across the State of Florida; Waste Management started to see more of an impact of COVID-19 at the beginning of June, following Memorial Day; there are driver call-outs because of COVID-19; there is also a required 14-day self-quarantine if drivers come in contact with their spouse or anyone else in the family who has it, or until his or her test comes back negative; and there is a constant turnover of drivers, whether voluntary or involuntary. She reiterated that she spoke of their focus on safety; if there is a termination that needs to be had, they still have to continue to do that; they continue to have driver turnover during this time; and the hiring process has been slower combined with the time it takes to onboard a driver, which is between three to six months, depending on what kind of experience the driver brings to the table. She expressed her company has always been proud of their local training center located in Lee County, which has been shut down because of COVID-19; so they are doing more onboarding locally within

each one of the business units, and it is taking a lot longer; they had to stop their hiring process to consider how to re-evaluate the process and start over; they have not been able to do face to face interviews; they are now doing virtual interviews; and it all had to change, so it slowed down the process.

Chair Lober inquired how long of a period of time was it shut down; and he questioned whether it was a couple of weeks or a month.

Ms. McKnight replied no more than two months for them to reevaluate how to go through the hiring and onboarding process.

Chair Lober clarified if there was an effort at this point to increase the hiring to offset the two-month period where there were no onboarded drivers.

Ms. McKnight stressed that there have been over 60 active interviews just for Brevard County, and there are 12 offers out for driver positions.

Chair Lober questioned whether that was typical, because he has no idea if that is a high, low, or standard number.

Ms. McKnight responded that it is higher than usual, because of the delayed time it took to backfill some of those open positions.

Commissioner Tobia inquired how many spots were open.

Ms. McKnight replied she would have to defer to Mike, but she thinks it is around 17.

Mike Lewis, Senior District Manager of Waste Management, stated he wanted to comment on two things before he answers the question about the interviews; in Brevard, his company has not seen a decline in their volumes; he is aware that staff tracks tickets and trips, but in the north, alone, from January to February from month-to-month, they have seen 2,000 tons more year over year; that is a lot of weight; and in south Brevard they have seen more than 4,200 tons year over year. He reiterated that when his drivers say there is garbage on the ground, and all the carts are full, that is a fact; they had an early summer program that started in March; they normally expect that type of volume at the beginning of May or June; summer volume is due to kids being out of school and people are home; and the volume is up. He added that he cannot speak for Miami, Palm Beach, or Jacksonville, but he can speak for Brevard County; he has been in Brevard County for 11 years; Brevard has 17 open positions that service this area; they have interviewed 59 people; and 12 stated they wanted to do this work. He explained that the reason only 12 people want to work for them is because others cannot do the work after hearing the job description; some just want to drive; that is not possible, because there are two drivers on the back of a two-man truck; a driver will drive half the day and work the back of the truck the other half of day; and most of the counter offers in this area want to drive. He reiterated that is not the type of driver he needs; he needs someone who is willing to get on the back of the truck also in order to help with the 4,000 tons of waste; the other reason they only have 12 offers out is that one driver wants to do an interview by text message; he cannot do an interview by text message; he has a list of questions he has to ask the interviewee; and if that is how one wants to do business creatively, he is not that creative. He stressed that his company is interviewing; they do interviews Monday through Friday; he has been doing approximately eight to nine per week in the south part of the County, and approximately seven to eight in the north part; he has seen that if he interviews ten people, they are going to make an offer to two, based on what it takes to do this type of work; and he mentioned it is not easy

work, he has done it for 32 years. He explained that he tells his drivers all of the time he cannot do the back of the truck anymore, because it is too hard; and it really is.

Chair Lober inquired what is the typical base pay.

Mr. Lewis replied that starting pay for drivers is \$16 an hour; the first 90 days they are doing classroom work; they learn the company's rules and equipment; and once that is done, the driver is placed with a veteran driver to slowly work his or her way into a solo role. He went on to say that the reason his company has so many openings is because they fire drivers who fail their random drug tests or who steal from the residents; when it comes to safety there is no compromise; and they cannot have employees driving around in the general public causing problems.

Chair Lober questioned whether it was possible to take drivers from areas that are nearby with lower volume and shift them to areas that have higher volume; he inquired if Waste Management has any kind of provision for that; for instance, if Palm Beach has a major drop in their tonnage, and Brevard has an increase, can Waste Management take some of them on a temporary basis to even things out if the drivers do not have as much work as they did down there and there is more up here.

Mr. Lewis responded certainly; they have been doing that now since the middle of April; and they have six drivers from Orlando working every day in Brevard.

Chair Lober inquired if that was on the residential lines.

Mr. Lewis replied affirmatively; he stated they are working in Brevard County; four of them are working in Brevard today; and the other two are in the City of Melbourne.

Chair Lober questioned whether the wages for new hires has been consistent over the past year or if it has been higher or lower on the account of COVID-19.

Mr. Lewis responded in late 2018 or 2019, everyone received a \$2 an hour raise.

Commissioner Tobia stated he is just hearing a bunch of excuses; there is record unemployment right now, and Waste Management is stating they are having trouble obtaining qualified applicants; the answer is the wages are too low; it is a supply and demand type of function; and he is not arguing that it is hard work nor does he want drivers stealing other people's trash. He added that Waste Management is a multi-billion dollar company that is coming to the Board, it has a contract with, stating it is having trouble hiring; he works for the government, because he would not be all that successful in a private enterprise, but neither is Waste Management; Waste Management is coming to the Board to make excuses; and he does want to follow up on this. He remarked that although he is not a statistician, he observes great system-wide decreases in the volume, but Mr. Lewis is telling him there are great increases in volume; and he inquired how Mr. Lewis came up with the tonnage figures.

Mr. Lewis explained that every day his drivers have to dump out; they get a ticket from the County landfill; and that ticket is recorded in his office.

Commissioner Tobia inquired if Euripides Rodriguez, Solid Waste Management Director, can substantiate those numbers or the tickets; and he stated that it sounds like Waste Management is using County's data.

Mr. Rodriguez, Solid Waste Management Director, informed the Board about the way his system works; there are several facilities; each facility, except for the Titusville Transfer Station, has scale house attendants and unmanned scales; unmanned scales issue a paper or electronic ticket after a weigh-in; those go into a commercial or residential account that Waste Management has with them; and the drivers enter their account number. He continued that the computer subtracts the empty weight of the garbage truck to configure the net weight; his figures are from February, March, April, and May; he also did a comparison from 2017, 2018, 2019, and 2020; his figures show a decrease in residential, industrial, and landfill; and he noted that these numbers do not include recycling, because recycling goes directly to Waste Management's facilities so he does not see those tickets. He reiterated that he does not know the discrepancy in his numbers with Waste Management's.

Chair Lober stated he would like to give the representatives an opportunity to explain the discrepancy.

Ms. McKnight asserted that she had a brief conversation with Mr. Rodriguez; she has not had an opportunity to compare reports; she stressed that County staff is comparing apples to oranges; they are reporting disposal figures for all of Brevard County, and she is here today to discuss only the unincorporated Brevard County contract; and the information that Mr. Lewis spoke of is related to the unincorporated Brevard County contract. She reported that Waste Management has to have weight tickets on every single load they dispose, whether it is trash, yard waste, or recycling; it is tied directly to the municipality of origin; the reports that Mr. Rodriguez are speaking of do not tie out to origin; and she asserts that Waste Management would have to go back and look at those to compare origin to origin.

Commissioner Tobia facetiously inquired if unincorporated residents have more trash than incorporated residents; and he inquired if Waste Management concludes that Brevard County must be worse than the nation, because the numbers from that are down double digits.

Ms. McKnight replied that she can honestly say yes to that, because most of their contracts do not have unlimited yard waste and unlimited bulk waste; many of the contracts across all of the State have very limited yard and bulk waste disposal; and unincorporated Brevard County has unlimited materials at curbside.

Commissioner Tobia questioned if that accounts for the difference between a substantial decrease compared to the increase she spoke of.

Ms. McKnight responded that she is speaking to the facts of the reports she holds for the Brevard unincorporated County contract.

Commissioner Tobia inquired if Mr. Rodriguez could filter out only the unincorporated figures; if Waste Management claims they can, then he imagines the County also has the ability; and he understands that it is not possible, which also calls into question the numbers that were just presented to the Board.

Mr. Rodriguez replied it is not possible in his system, because the County does not require Waste Management to input the origin of the garbage, just that it came from Brevard County; the reason is because it is pre-paid through the assessment; there has been no consideration whether it came from incorporated versus unincorporated; and the County has always assumed that the trend is always the same, whether it is in the city or not.

Commissioner Tobia inquired how could Waste Management pull the numbers if the County

does not have the ability to do that, and they are using the County's scales to do that.

Mr. Rodriguez responded if he was going to be doing it, he would have to look through their system to find out the truck number and the route to figure out if the route is in city limits or outside city limits in order to be able to separate it; and he remarked that Waste Management can confirm that or not.

Chair Lober inquired if Mr. Rodriguez does not track the city of origin, can he track which entity is bringing it to him, such as Waste Pro versus Waste Management or anyone else.

Mr. Rodriguez replied this is exclusively Waste Management, because Waste Pro has their own residential and commercial account; and the numbers he pulled are just exclusively Waste Management.

Chair Lober inquired if Mr. Rodriguez has the ability to filter residential lines versus commercial lines.

Mr. Rodriguez responded yes, because they are two separate accounts.

Chair Lober questioned if the decreased numbers are only Waste Management's and only the residential lines.

Mr. Rodriguez replied he did not look into commercial, because he assumed there would be a decrease since commercial is shutting down.

Chair Lober inquired if they were discussing regular household trash in regards to residential lines, because he knows they do recycling, trash, and yard waste.

Mr. Rodriguez responded that recycling is not included, because it goes directly to their facility; and the rest of the garbage goes to the County's facilities.

Chair Lober questioned if the regular household trash and yard waste is what goes to County facilities.

Mr. Rodriguez replied garbage and yard waste.

Frank Abbate, County Manager, stated he was asked by the Board to prepare a timeline from October 2018 to the present; so he will try to go through it as briefly as he can to highlight the dates that were significant during that period; in October 22, 2018 Solid Waste sent a letter to Waste Management about checking whether they would be willing to extend their contract for curbside collection and recycling for an additional year; and that contract was due to expire on September 30, 2020. He added that a couple of weeks later, on November 2, the County received a letter from Waste Management confirming that they would not renew the agreement; as a result of that, staff came before the Board on January 8; the Board directed staff to prepare a Request For Proposal (RFP) for the franchise areas with a variety of options; they put out that RFP; and during the next six to eight months they conducted the RFP process. He indicated his staff came back to the Board, and in November 2019 the Board directed staff to enter into negotiations with Waste Management, who was the low bidder as result of that RFP process; staff conducted those negotiations in a variety of meetings, and they received a letter on January 28 from Waste Management to Central Services providing a revised proposal; and on February 11, the Board approved to move forward with that. He reported that the County entered into an agreement on June 1; on July 3 the County received

the letter from Waste Management concerning the recycling services and the impact of COVID-19; four days later, at the Board Meeting, Waste Management was present when the Board authorized him to continue with the current contract with no changes in service; and on July 14, Solid Waste sent an email to Waste Management requesting information on all routes that were not completed for any reason from February 1 to the present and the number of residents that were not picked up, because of incomplete routes or routes leftover from that day. He continued to say that Waste Management acknowledged receipt of the request on the same day and said they would begin working on it; they indicated on July 21 that they intend to have a report to the County by August 4 about that; on July 24, he and John Denninghoff, Assistant County Manager, met with the Waste Management representatives; and they went through the process of the things they have been doing. He indicated Waste Management discussed with him the work they were doing in terms of hiring and bringing people from other areas, such as Orlando and their Green Team, to try to supplement the deficiencies in their staffing; they informed him of their 90-day recruitment, they only had two at that time that were outstanding, and now they have an additional 10; he emphasized to them, at that time, of the need for an expedited report from them, because the County wanted to know so they could address the issue from a liquidated damages standpoint of what was in the contract; and he told them that is what they would be doing. He stated that was a way to put the pressure on them, not only to get the positions filled, but most importantly get those routes done on the dates they were committed to get them done; on July 28, the Board called a special meeting for today; Solid Waste sent a follow-up email yesterday to Waste Management asking when it could expect the expedited report; Waste Management confirmed they were sticking to the initial date they told the County, which was August 4 or no later than that; and that is where things stand in terms of the timeline.

Mr. Rodriguez stated there were some questions in regards to the collections and Municipal Service Benefit Unit (MSBU), what it does and what happens to the money; it is an enterprise fund; the money stays all in that fund; it all goes to one fund; and every money generated from that fund stays in that fund. He reported that the money is used for contract payments, indirect charges, tax collector's and property appraiser's charges for using the database; 90 percent of the money goes to the payment of Waste Management; any fines that are assessed against Waste Management are reduced out of the payment to Waste Management; the money stays in the collection fund; and it becomes part of the cash carry forward. He went on to say under the current contract the residents pay about 67 cents each time the truck stops in front of them, which are four stops; he did not count bulk, because not everybody has bulk waste; and every time Waste Management misses a collection over 20, there is a \$50 fine.

Chair Lober inquired if that was for each missed pickup.

Mr. Rodriguez responded affirmatively for each verified miss.

Chair Lober questioned what defines a verified miss.

Mr. Rodriguez replied that Solid Waste sits down with Waste Management on a monthly basis and asks for information about a missed pickup from their list; if it is valid, their system will show there was no stop at that point or that the truck did not go through that street or stop there; Waste Management's system shows when the truck goes by, the time it goes by, and the time it stops in front of the house. He reported that if he observes from Waste Management's system that the truck stops in front of a house, there was something to be picked up; if there was not anything to be picked up, the truck would not have stopped; there is no reason for the driver to stop at every house when there is no cart to be picked up; and that is what he means by verifying the information.

Chair Lober inquired if there is a typical average number of missed pickups.

Mr. Rodriguez responded that he already talked about tickets to Solid Waste and the tonnage; there are two ways to file a complaint; a customer can complain to the Solid Waste Department which has its own database where it keeps track of the complaints; Solid Waste forwards those complaints to the supervisors of Waste Management to take care of; or the customer can also call Waste Management directly, and it is input into their system; and the County meets with Waste Management on a monthly basis to merge both sets of data together to determine if there will be any fines. He advised there are various natures of complaints, as well; there are various things that could go wrong such as, oil spills, cart damages, missed pickups, and several other instances in which Waste Management can be subject to fines; and the County reduces the amount of payment to Waste Management by the amount of the fines. He added that he started receiving emails from Waste Management, and these should be counted as per email and not routes; in February he received eight emails from Waste Management that routes were not going to be completed; three in March, eight in April, eight in May, 10 in June, and 23 in July up till now; he reiterated those are emails and not routes not completed; and an email can contain one route or it can contain several routes. He further stated he compiled some information regarding the complaints by Districts since February; he is not sure if it is complete, because his staff scrambled this morning to put it together; these are complaints since February until today; District 1 has received 54 complaints, 34 for District 2, 42 for District 3, 24 for District 4, and 4 complaints from District 5. He continued that the Solid Waste Department has received complaints from February to July; there were 70 in February, 80 in March, 58 in April, 42 in May, 90 in June, and 278 complaints in July; and July has definitely had a spike.

Chair Lober inquired if that was just his department alone.

Mr. Rodriguez responded affirmatively; he reiterated these are complaints received from his department not only for missed pickups but they include other things; over 90 percent of it is missed pickups; the majority of the fines are missed pickups; those are a \$50 fine, per instance, after Waste Management exceeds 20; and they can miss 20 pickups before they start getting fined.

Chair Lober questioned if that was on a monthly basis.

Mr. Rodriguez replied yes, on a monthly basis, as per the contract; he stated his department has assessed the following number of fines through the years; the beginning of the contract was October 1, 2013, and they fined Waste Management \$52,900.00, \$120,000 in 2014, \$36,200 in 2015, \$69,400 in 2016, \$23,640 in 2017, \$25,100 in 2018; in 2019 up to the present there have been \$49,000 in fines; and 2020 is being reviewed. He went on to say that he has not had the opportunity of matching his reports with theirs; his staff personnel that takes care of this has been out for three months, because of COVID, and he has another two absences among the staff; his department has calculated the numbers, but they are missing the other side of the story; there are two databases, one from Waste Management and the County's; and until they are merged together they cannot come up with a number. He reiterated that they are waiting for Waste Management's reports to come in; those reports will have to be reviewed to see what the results will be; the feasibility study was requested at the time the Waste Management contract was approved; and it was requested that by the end of the contract, meaning the contract they will be entering into, that the Solid Waste Department complete a feasibility study about taking over the collection. He reported it is estimated to cost approximately \$300,000 to do the feasibility study and take about six months to complete; since

Solid Waste does not have any kind of equipment, his department looked at the last RFP that Waste Management submitted; he would have to add 66 employees in the North and 65 employees in the South plus the support staff for the employees; when he discusses support staff he does not mean clerical staff but mechanics that have to fix the trucks; and the County would also have to add 77 pieces of equipment. He informed the Board that these pieces of equipment are expensive; they are hundreds of thousands of dollars each; they are more than \$300,000-\$350,000 for each one; there would be an investment of around \$20 million dollars; and all of that would go into the feasibility study, but those were the numbers he was able to grasp. He also noted one problem is the Waste Management trucks currently use liquid gas; the County uses diesel fuel, so they would not be able to fuel those trucks; and he also wanted to discuss the steps Waste Management has requested the County to take which they have taken. He continued that Solid Waste has opened up the Sarno Road transfer station since July 7; it is opened up an hour and a half earlier for Waste Management Tuesday through Friday; Central Disposal Facility, which is the Cocoa Landfill, has been opened since July 14; in the south area of the County, there has been a decrease in the amount of complaints since they have been opening up earlier; and he has not noticed any decrease in the north.

Chair Lober questioned if the feasibility study is done after the six months, does Mr. Rodriguez have an estimate of how long it would take to get all the pieces of equipment and train employees.

Mr. Rodriguez replied the County would need approximately six months to a year to obtain the equipment; the equipment would need to be ordered; receive correct information on when the equipment would arrive; it would need to start recruiting two months before the equipment arrived in order to do the proper training; the County would probably have to change its fueling system; even if it wanted to maintain diesel fuel it would have to expand its fueling system; and the bottom line is he thinks it will take a year to 13 or 14 months.

Chair Lober inquired if the County could structure the feasibility study so that it is complete far enough in advance to have the year plus buffer to be able to implement whatever the findings are if the Board decides to go forward with it; he does not remember the exact figure with the most recent contract with Waste Management, but he thought it was a lot more than \$20 million; and if it is a \$20 million investment on the County's part, and it can guarantee moving forward that it has more direct control over the routes. He asserted he lives in Rockledge, and as a municipality, they do their own waste pickup; he thinks from the time he has been there he has had maybe one issue, and they came the same day to fix it; he is not saying he or most folks have been dissatisfied with Waste Management up until recently, but it is nice to have other options; and he is hesitant to have the government perform a service that can be handled by a private industry, but if this is something that continues to drag out, even if it is infrequent, it would be nice to have that other option and know what is available with the next contracting renewal. He asserted that a \$20 million investment over the scheme of years seems trivial given the amount the County spends on these contracts; and he inquired if Mr. Rodriguez would like a motion.

Mr. Rodriguez responded by saying his department was already given some instructions; at the time the County goes out for the feasibility study, the Solid Waste Department would have to come back to the Board at that time to request permission for it, because of the amount of money; the County also has to start looking at it a minimum of one year before the end of the contract and, in view of a feasibility study needed, he suggests at least 2 years before.

Chair Lober asserted to conduct the study two and a half to three years, whichever Mr. Rodriguez is more comfortable with, to create a buffer; and he inquired when the new

contract is slated to terminate between the County and Waste Management.

Mr. Abbate replied it is a seven year contract.

Chair Lober stated that the County is looking far out in this case.

Mr. Abbate mentioned he would like to add to the numbers Mr. Rodriguez gave to the Board; he noted that he was told it would be at least \$350,000 for each piece of equipment; that would be \$27.5 million of capital investment that is needed; the County would still have to pay for the 150 employees, as well, so that will be in addition to the equipment cost and the support needed; he reiterated it is not just 20 million; and it is significantly more than that.

Chair Lober questioned if the Board put the Solid Waste Department in a terrible spot if the Board made a motion today to set aside any fines or liquidated damages for that purpose until the County receives \$300,000.

Mr. Rodriguez replied he is not sure if it would change the way they do things, because the fines become part of cash carry forward; as part of the cash carry forward it is not used because it is unexpected money; it gets rolled into the reserves; Solid Waste has to come back to the Board to use those reserves; the Board can pass a motion, and it would give the Solid Waste Department a direct, no questions asked about what they are supposed to do and to reserve the money solely for that.

Mr. Abbate requested Mr. Rodriguez inform the Board what the current reserve levels are.

Mr. Rodriguez stated the reserve levels as they currently stand are 1.4 million for hurricanes, which is meant to be the local share for the hurricanes, and the Collection would borrow the rest; the interest rates are not considered on that; there is a two-month reserve for the payment of Waste Management; the reason they have that is because the contract year starts in October 1; the money coming from the residents start rolling in approximately at the end of November and December; and there needs to be a buffer to pay Waste Management.

Chair Lober indicated that if someone wanted to make a motion he would certainly second it; he does not know if the Board has a different direction they want to go with it; and he reiterated the benefit is that there is some time to decide.

Commissioner Smith expressed the County has a long way to go with the contract; there is going to be an entirely different Board presiding when the contract ends; he does not recommend the Board jump into anything at this point in time; there are remedies in place for missed pickups; and fines will be coming forth. He added if the Board has an opportunity to express its displeasure it can do that; and he believes that the Board would be getting way ahead of itself to think about changing the horse before they get down the road a little bit more.

Commissioner Tobia inquired if Mr. Rodriguez had a Request For Proposal (RFP) for the \$300,000 or if that is an estimate of what he has heard in the past.

Mr. Rodriguez replied that it was an estimate based on what he has heard in the past; and Solid Waste does not buy that particular piece of equipment.

Commissioner Tobia clarified from Mr. Rodriguez about the feasibility study.

Mr. Rodriguez stated Solid Waste has never done a feasibility study; they made several phone

calls; and that is best they could get as far as pricing.

Commissioner Tobia mentioned that he is sure that this question has come up with other municipalities nationwide; he is certain Mr. Rodriguez is abreast of it or can be relatively soon; he questioned Mr. Rodriguez how other government entities are handling this; and he inquired if the department was seeing trends where government entities are going to the private enterprise to pick trash up or if they going the other way and handling it themselves. He expressed it would be a shame to find out that it would cost relatively similar and the County would lose \$300,000 or conversely if the County found out that it can handle it; while the capital costs might be very high initially, but if it is amortized over five to six years it may be a bargaining chip well worth the \$300,000; he inquired if Mr. Rodriguez had any idea as to what the outcome would be if the County was to go in that direction.

Mr. Rodriguez responded in the Central Florida Area, which consists of about seven or eight counties, they see the private industry servicing the counties; he has seen some counties that separate their districts; they break it up into districts or areas in which they do not allow the contractor to serve more than one or two areas in order to enhance competition; and he has not seen any trend of the counties taking over the collection.

Commissioner Tobia inquired if Mr. Rodriguez saw any trends the other way around.

Mr. Rodriguez replied it was pretty much stable, and it has been for the last 15 years.

Commissioner Tobia remarked that it did not give the Board any good indication.

Mr. Rodriguez noted that all he heard is that counties are getting out of the landfill business and contracting either their landfills or exporting garbage; that is one of the reasons why he always looks at the cost of the landfill to make sure the County keeps it under control; it has occurred in the past that cities or counties become more built up and there is less space to build landfills so they start exporting it, but as far the collection is concerned he does not know of any trends.

Commissioner Tobia questioned whether the County would need a consultant to put together an RFP for this; if Commissioner Lober wants to go in that direction the first step would be to put an RFP out to find out if it really is that; maybe the Board would get a different answer if it finds a company that is willing to do it for less; and conversely, the Board could find as many times as that amount. He went on to say that the County may not need a consultant, if Mr. Rodriguez has the ability to put together an RFP without one; he does not know what the direct cost would be if one considers staff time, but maybe the Board could find a middle ground that will cost less; he expressed appreciation to Mr. Rodriguez for making the phone calls without having all that much time; and he reiterated he would certainly support Commissioner Lober if he wanted to go in that direction or at least putting it out to see what the definitive cost would be for a feasibility study.

Chair Lober said he would certainly like to, with support from the Board.

Commissioner Isnardi questioned Mr. Rodriguez if part of the reason the counties are not taking over collection is as simple as counties are more spread out and less dense or if there are municipalities within the counties; she stated that when she thinks about whether County waste collection is privatized versus government run, one may run into the same problem as Palm Bay has; it has a lot of residential, but everyone is spread out; and she questioned if that was the reason why Mr. Rodriguez does not see a lot of counties doing their own service.

Mr. Rodriguez responded that the two cities that are in Brevard County are Titusville and Rockledge; they have the advantage that they are more densely populated than the County; what Waste Management or anyone else will be looking at are the rural areas versus the highly- dense or suburban areas; and it costs less to deliver the service in a suburban area than it does in a rural area because of travel time. He noted there is down time regarding the dead time between the houses; if one looks at five acre houses versus quarter acre houses, a truck can take care of 1,200 homes in a residential versus 900 homes in a rural; and the cost to him as a collector is the same, but the cost for providing the service per resident goes up.

Commissioner Isnardi inquired if Mr. Rodriguez had an estimate in the amount of fines that will be assessed for the year 2020; and she questioned if the number would be significantly higher or if it is 20 percent higher.

Mr. Rodriguez responded his estimate is that fines will be probably be in the range of what the department saw in the first months of 2013; 2013 is the only thing that he can compare it to; in 2013 everyone was going to carts; fines were relatively high during the delivery of the carts and the issues regarding the timeliness of the delivery; and that is the only thing that he can compare it to.

Commissioner Isnardi inquired if that was \$290,000 in 2013.

Mr. Rodriguez replied it was approximately \$50,000 for approximately three months; he is not looking at an entire year; therefore, he is looking at the months in which they are having problems.

Commissioner Isnardi stated as far as moving forward, Palm Bay has gone with a new carrier; they will be using a carrier in Vero; she believed they were dumping their trash there; they are not going to be using the County's services anymore; and she questioned Mr. Rodriguez if that would be helpful to the County.

Mr. Rodriguez responded that he is not sure that Republic knows, as far as the disposal, what they are getting into; he has had conversations with the City of Palm Bay before; he does not think the people are there anymore; they have been wanting to take their garbage to Osceola County; the response has been that City of Palm Bay's citizens pay a disposal fee; it is already prepaid; and so they are paying double.

Commissioner Isnardi reported that the City of Palm Bay's residents' rates have gone up 91 percent.

Mr. Rodriguez explained that if Republic takes the garbage to Vero Beach; they will be paying Brevard County and Vero Beach.

Commissioner Isnardi remarked that it is incredible to her.

Mr. Rodriguez expressed that is not the way to do proper business.

Commissioner Isnardi stressed that Commissioner Tobia is going to be getting a lot of phone calls when the City of Palm Bay transitions; and she inquired from Mr. Rodriguez if the transition will be in September.

Mr. Rodriguez replied it will be October 1; and he noted that Brevard is less expensive than Indian River County.

Mr. Abbate reported that when the contract ends between Waste Management and Indian River County, the drivers will be transferred into the Brevard County pool of drivers; and he also confirmed this with Waste Management.

Mr. Rodriguez stated what should happen is if one was to move things out of the County, he or she would have to build a transfer station; the transfer stations belong to Brevard County and are for its service; others would not be able to use it; and that would add another six or seven dollars to the cost per ton.

Commissioner Isnardi stated she lives in the City of Palm Bay so of course she watches what is going on; 40 percent of her district lives there; when the City went out for the initial RFP, the numbers were really high; then the City changed what it was willing to accept; and at first Waste Management did not even bid on that contract. She explained that the City of Palm Bay could not come to an agreement on terms so they ended up going with terms they said they could not do before; they shifted the majority of that 91 percent increase to the commercial; there are people that own businesses; those fees are going to come from somewhere; and she expressed that it will be interesting to see the transition along with some of the struggles the County is having now.

Mr. Rodriguez indicated there are some places where the commercial highly subsidizes the residential; he saw a little bit of the City of Palm Bay's RFP; their initial proposition was for the Waste Management Company to bill the citizens; when Waste Management did that the last time there was an 80 percent collection rate; and that means approximately 20 percent of citizens did not pay; and when the County collected through the assessment there is around a 99.99 percent collection rate.

Commissioner Isnardi mentioned she was there; she was at the City of Palm Bay during that time; it was pretty egregious; and that was something they were willing to do when they said they would not.

Mr. Rodriguez indicated that he thinks the City of Palm Bay changed it to Palm Bay assuming the collection.

Commissioner Isnardi concurred.

IV. BOARD REPORTS

1. Frank Abbate, County Manager

Mr. Abbate reported that he received a letter from the Secretary of the Interior Department yesterday that was distributed by email to all Commissioners; it was directed to the Board of County Commissioners; it dealt with an executive order on a national monumental park; and the department was looking for an area. He went on to say that one of things it was looking for was input from various bodies of officials of the types of statues that could go into this park and input on the location of the park; one of the criteria was a place of natural beauty; proximate to an urban area or an area that had significant traffic; the department wanted a response by July 31; there was not enough time to come back to a Board meeting with it; and he indicated that he just sent an email to the Commissioners and the accompanying executive order in case the Board or any Commissioner was interested in responding to that about Brevard County. He also reported that on May 19 the Board adopted the 2020 Comprehensive Emergency Management Plan (CEMP) which provides that the Board of County Commissioners is the head

of Brevard Emergency Operations; it also provides that in the event of an emergency when a quorum of the Board is not able to meet, the Chair, the Vice-Chair, or District Commissioner in that ascending order of the districts can be delegated the authority to declare a State of Emergency and take all necessary emergency protective actions; and on May 19 the Board also approved that the Vice-Chair serve as the delegated authority until the end of the Vice-Chair's term for the Chair of the Policy Group. Mr. Abbate recommended, because of the storm that is currently out in the Atlantic, decisions that involve protective measures may need to be made tomorrow morning with the latest storm track and intensity; he wanted to ask the Board if it would like to delegate approval of a local state of emergency to the Vice Chair in case that is needed; this would allow the Emergency Management Team the ability to take the next steps to prepare for any storm that may come; and the staff will proceed with handling the storm response and declare an emergency in conjunction with the Policy Group and the authority that the Board delegates to the Vice Chair unless the Board wants to provide some other option. Mr. Abbate informed the Board he will come back to the Board next week about things outside of the storm, so the County will be equipped for the rest of the hurricane season; with the storm being a couple of days away, it is unlikely, but if there will be a need to do anything such as sheltering if there is a significant turn or intensification of the storm the County will not have the 24 hours to ask the Board to come in; the County would have to get moving fairly quickly to move with the School Board and etcetera; and he inquired if the Board would like to address that issue.

Chair Lober indicated if Mr. Abbate would like a motion he could have one.

Mr. Abbate confirmed he would like a motion.

The Board approved delegating Commissioner Rita Pritchett, Vice Chair, to be approved to call a local State of Emergency, allowing the Emergency Management Team the ability to prepare for any storm that may come, to proceed with handling the storm response and declared emergency, in conjunction with the Policy Group and the Vice Chair.

Result: APPROVED

Mover: Curt Smith

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

3. Rita Pritchett, Commissioner District 1, Vice Chair

Commissioner Pritchett requested that Waste Management try really hard to get caught up as quickly as possible; there were less complaints this week compared to last week, but it is still way out of control; and she reiterated to try very hard to get caught up as quick as possible.

Upon consensus of the Board, the meeting adjourned at 2:09 P.M.

ATTEST


SCOTT ELLIS, CLERK


BRYAN ANDREW LOBER, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Approved by the Board November 10, 2020