



Legislation Text

File #: 18-2167, **Version:** 1

ITEM: AUTHORIZATION TO AMEND THE VILLAGE'S SOLID WASTE AND RECYCLING CONTRACT WITH WASTE MANAGEMENT, INC. OF FLORIDA

REQUEST: Authorization to amend the Village's existing solid waste contract with Waste Management, Inc. (WMI) to include overfilling charges, to commercial accounts.

EXPLANATION: On April 14, 2015, the Village Council approved a solid waste and recycling collection contract with WMI, for both residents and businesses throughout the Village, effective October 1, 2015 through September 30, 2020.

WMI recently notified the Village of an ongoing issue whereby certain businesses throughout the Village are continuously overfilling containers causing debris and trash to overflow outside of the collection container. WMI's current practice is to identify businesses with overfilled containers and to contact the customer to recommend "right sizing" their service (larger container/increase number of pickups). Such practice has proven unsuccessful as many commercial customers continue to overfill containers.

As part of the Village's agreement with WMI (Section 11.2) commercial account holders are responsible for ensuring trash containers are not overfilled. *"The size of the collection container and the frequency of collection service provided shall be sufficient to ensure the collection container is not overfilled, and solid waste is not placed outside the collection container, between scheduled days off."* In order to remedy the situation the Village and WMI are proposing to amend the existing solid waste and recycling contract by adding the following language:

"Overfilling mechanical containers presents safety and health risks to the residents of the VILLAGE. If the CONTRACTOR determines during a collection event that a Commercial Customer's mechanical container is overfilled with waste or recyclables, the CONTRACTOR shall take a digital photograph of the container in such a manner to present evidence of overfilling."

For purposes of this Section 11.4, overfilling is defined as the container being overloaded so that the lid does not close securely and is displaced by at least 10 (ten) inches. The CONTRACTOR shall provide to the customer a notice of such overfilling. For each event of overfilling, the CONTRACTOR shall charge the customer \$200, not to exceed \$600 per month. The overfilling charge shall be subject to Franchise Fees, which shall be added to the overfilling charge. Upon a customer's request to collect material outside of the dumpster, that waste will be subject to the collection and disposal rates and franchise fees in the Village's adopted fee schedule."

The CONTRACTOR shall take reasonable steps to seek to change the customer's service level by providing a larger container or increasing the frequency of service."

If a Customer has exhausted all options to increase collection service level, the Sanitation Division and the Contractor may conduct a case-by-case review to determine if the Customer is to be exempt from Section 11.4. Such exemption may only be given if the Sanitation Division and the Contractor agree that there are physical constraints to locating a larger or second container, and service is at the maximum frequency."

provided by the contractor.

Before implementing any such change, and subject to prior Council approval, the Village and WMI shall notify all commercial customers in advance with a minimum sixty (60) days' notice.

BUDGET AMENDMENT REQUIRED: NO

PUBLIC HEARING: NO **QUASI-JUDICIAL:**

FIRST READING: **SECOND READING:**

LEGAL SUFFICIENCY: YES

FISCAL IMPACT: Additional revenue to the Village due to franchise fees not currently being captured.

WELLINGTON FUNDAMENTAL: Responsive Government

RECOMMENDATION: Authorization to amend the Village's existing solid waste contract with Waste Management, Inc. (WMI) to include overfilling charges, to commercial accounts.