

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Thursday, October 1, 2020**

**5:00 PM**

**Zoning**

**Commission Chambers**

County Charter and provisions of general laws of the State of Florida to adopt ordinances that are effective in both the unincorporated area and the municipalities. She is asking for the Board because it was a partner in one preserve agreement and co-applicant; they both required the same changes to the Comprehensive Plan, the cap and densities; the City went a step further and represented to the local residents that they were making a clerical change to match the zoning to the PUD but what they did, and has shown intent by the packet, they gave the developer the right to a hotel; now, instead of the 1365 units is now being pushed to that unit and a hotel; and this is going to adversely affect a preserve which was funded with about \$5 million of State funds and the County was a partner and a co-applicant on the two preserve agreements. She is asking if the Board will take action to help protect it either by an ordinance or by lobbying to the Federal government to deny the current development plan that has not been agreed to and violates their own specifications that they specified and agreed earlier.

Chair Lober stated he may ask Attorney Bentley sometime between now and the next Commission meeting what the Board is entitled to do on that end; and he would like to do a little more recon before he comments on it.

**J.1. Financial Incentive for Constituent Reporting of Waste Management Missed Pickups, District 2**

Kristina Jackson stated this Item is incentivizing people to look for fault and make complaints; if someone made one complaint a month and this lasts the seven years of the contract, they could make \$2,100 from the County just for making complaints about a company; she asked if there was a limit to the number of times an address can complain; if someone complained twice a month, they would make \$50, or \$4,200 in seven years; that is good money for someone, but how is a complaint validated. She continued by saying people forget to put out their trash, many do; she asked can that be validated or can someone forget and then make some money off of it; she thinks if this is done, notices should be sent out to everyone on the route; she only knows about this because she has a subscription to a newspaper; when she was 18 years old, single, and pregnant, she could not afford it; people without a newspaper subscription will not know about that program, if it is approved; and when her 16 year old heard about this, he said to get an accurate account of what is occurring, pay people to do a survey and the good and the bad will be heard and they would get paid for it, instead of paying for complaints. She continued to say there is a reason people do not pay for complaints; people want a complaint to be valid and time spent making the complaint, as it took her time to come to the meeting and planning a speech; if she was getting paid for it, she might be there more often; she asked where is the \$50 supposed to go that the company is getting paid for; it says Waste Management is giving the County \$50 for each complaint; and the public did not know about this until this was brought up. She added people are being told that the County is bleeding money, public record prices went up extensively, and she asked does the County not need all that money, and how can it afford to give half of it to the people when it needs money; it is said to help pay for the time staff spends doing this but that is the job of staffers; they take calls about complaints and inquiries, and that is the nature of the job; she asked if the complaints help the trash service, and asked what are the complaints, and what good does the \$50 do; and she asked if the County is wanting to bleed the company dry or is it upset with the company. She asked what other company is going to want to offer a bid after this; she assumes the \$50 for each for each complaint was in good faith and doubts they thought it would publicized; the County will pay people money to complain; if it were her company, she would be outraged; her mom pays \$30 per year more in Wichita, Kansas for one day per week service and has to take items to the dump; and with Covid 19, people are forgiving companies for longer wait times and she is asking the Board to say no to this proposal to pay for the complaints, especially in a pandemic.

Commissioner Tobia thanked Ms. Jackson for coming and asked why she was so passionate

about this and if she had a relationship with Waste Management.

Ms. Jackson replied no, she is just so frustrated with the idea; it seemed like a personal vendetta against a company; and that has been known to happen with maybe Health First, a business owner that was representing other businesses, who did an email, and there was a personal vendetta.

Chair Lober interrupted and stated he thinks she has answered Commissioner Tobia's question; he stated he will address a couple of things that came up; he does believe that the County does need all the money that it is entitled to by way of damages and by encouraging and incentivizing folks to make valid complains and more likely receiving more complaints that otherwise may not have received; as far as making \$4,200, if folks not only did not believe everything they read, or believe sporadically depending on the author, everything they read, but the proposal had it capped at their cost of service; and he asked Euripedes Rodriguez, Solid Waste Management Director, what the average cost of service for an individual over the course of a year, or seven years, so the Board could look at the numbers.

Mr. Rodriguez replied the current contract that ended yesterday, was around \$135 for a year. Chair Lober remarked if that is capped at the cost of service, the \$4,200 is impossible; and he asked Mr. Rodriguez if that was correct.

Mr. Rodriguez replied if it was capped, yes sir.

Chair Lober stated the cap was proposed in the actual Agenda Item, and asked if that was correct.

Mr. Rodriguez replied yes sir.

Chair Lober stated then that is a fallacy as well; and with respect to the validation of the complaint, for everyone's benefit who simply assumes that they know the entirety of something based on a short article, he asked Mr. Rodriguez if he would mind giving a little background on how his department goes about validating complaints.

Mr. Rodriguez replied there are two sources of complaints; one is through the internet, which has increased recently due to the publicity, calls coming in, emails coming in, complaints the Commissioners forward to him, and calls directly to the Waste Management website; every month they get together and compare notes; the complaints can be anything from oil spills all the way down to missed pickups; and all of them have different days in which they can be cured, some can be cured, some of them just for occurring, are automatically susceptible to liquidated damages. He added in the case of missed pickups, they get 20 complaints that are at no cost to Waste Management; 20 out of 100,000 homes that are served every month; percentage-wise that is extremely low; and then he looks at whether Waste Management was informed that there was an issue, as they have to have proof of that and that they responded to the County, and after that a determination is made on whether it is susceptible to liquidated damages or not.

Chair Lober inquired if that was something his department is capable of doing.

Mr. Rodriguez replied that is what they currently do.

Chair Lober asked if there was an issue, to his understanding, with his department's ability to validate complaints.

Mr. Rodriguez replied no, it is just a matter of volume, not a matter of process; and the process would be the same.

Chair Lober asked Mr. Rodriguez if he was aware of there being any talk of a vendetta between Waste Management and himself; and stated he would ask the next speaker the same thing.

Mr. Rodriguez replied not to his knowledge.

Chair Lober asked the next speaker, Dina Reider-Hicks, to come up and stated he had a couple questions before she started; and he asked if there was a vendetta that he did not know about.

Dina Reider-Hicks, Public Affairs Manager with Waste Management, replied no, we do not.

Chair Lober stated he thought they had been cordial and pleasant with one another; and asked if she believed the County is able to validate complaints submitted to the County.

Ms. Hicks replied as Mr. Rodriguez suggested, there is a good process in place; they review for what is considered a legitimate complaint, and per the contract, anything is considered a legitimate complaint unless appropriate disposition is furnished; and they discuss all of those items and make sure that for any of those items, that we have appropriately provided a disposition for the resolution of that complaint.

Ms. Hicks thanked the Board for the opportunity to speak; she thanked the Board for its support, as there has been a long, solid relationship with Brevard County, and there have been ups and downs; this summer was one of the down periods, as Covid-19 presented a unique set of challenges for all people, every day; she asked to please accept a sincere apology for any difficulties that may have been experienced by County offices and for any inconvenience to the residents; they do understand, as the drivers, managers, dispatchers, and herself, all live here too; and they want to return to the exemplary service that people deserve and have come to expect from Waste Management. She went on to say there is no one who wants our service to be exemplary more than those who work for Waste Management in Brevard County; she is pleased to report that there has been considerable improvement throughout September and she is confident people will see service to continue to head back on track in the coming weeks; today is the start of the new franchise agreement with Brevard County and she thanked the County again for selecting Waste Management as the service provider; today brings with it new and additional trucks to service Brevard, as was discussed last November; new high-capacity grapple clam trucks have been added to service large yard waste piles in the area; today also brings additional personnel that have come from servicing another area within the County; and these are all Brevard County residents and are quite familiar with the area. She added these added resources mean adding more service routes within Brevard County to serve the expanding population; in the past several weeks, they have hired additional personnel and have promoted from within and recently name a few new route managers for residential services; these new employees, along with the existing employees who are segueing into new roles within the County, will help get service back on track in short order; she is confident improvement will be seen in the coming weeks; and as trying as it has been, they thank the County sincerely for its patience and support and for the continued confidence and trust it puts in Waste Management.

Chair Lober stated he will add that his concerns over the past with respect to Waste Management, none of them have involved Ms. Hicks; he thinks she is great asset to the

company, and has been stellar to work with; he has no complaints with being able to reach her, or with respect to any of the issues that he has brought to her attention, not being resolved correctly; he thinks everything has been dealt with well and timely when he has brought it to her attention; he does not want anyone to mistake this Agenda Item as any sort of slight to Ms. Hicks, as it is not; and he wants to add, with respect to what is proposed, in an ideal world the goals are totally compatible and he has discussed this as well, but for everyone's benefit, he does not want to see any liquidated damages because he would love to see all the pickups go perfectly. He continued by saying in an ideal world, this would be voted on, it would pass, and the County does not look to enforce anything because every pickup is addressed as scheduled and there are no issues; that is what he really hopes to see; he thinks this helps to better ensure public confidence and he understands things happen, some may be tied to Covid-19, but he thinks now the it has more resources, now is the time to look at this fresh; he thinks that the folks that live here that do have Waste Management service, will gain a degree of confidence knowing that there is a mechanism in place, should there be any service issues in the future; but he hopes there are not any. He added he does not wish Waste Management poorly as he loves capitalism; he understands Waste Management is publicly traded and hopes its stock price goes through the roof; the better Waste Management does, does not harm the County or residents; and he just wants to see everyone benefit from this, especially the folks that are scheduled to have pickups from Waste Management.

Commissioner Tobia asked if there were any videos extolling the virtues of Waste Management or did she not make one this time.

Ms. Hicks replied not this time.

Barbara Gorin stated she was shocked when she saw the price of the cost of the service go up so much; there is so much new development in the County and she knows this is not the format for it but there are so many new homes that are going up right across the street from her in Viera; for it to go up that much with the new homes going in, it just blew her mind; it took her by surprise and with Covid-19, she did not get to come in and voice her opinion or have time to organize any of her people that came in the last time this was up for bid; and she stated there would be an increase in cost through the seven years, just like the last contract. She added it does not seem fair that seniors have to pay that much more to have their garbage picked up, as it cuts deep; nothing more is given for the money, and she would not expect the service to go down; with all the new businesses and homes, she does not know where their money is going that the rates would go up 39 percent; she did say that the service has been really good in Heritage Isle as they have only had one issue a few weeks ago where there was no pick-up one day, but it was picked up the next day; and she would not complain about that, but if it happened regularly, she would put her two-cents in to let the County know she was unhappy. She just wanted to get that off of her chest.

Chair Lober stated he would encourage her to add her two-cents, should that be the case; but hopefully, as Ms. Hicks mentioned, with the additional resources they are bringing in, he hopes that is not the case; and he asked Mr. Rodriguez, for everyone's benefit, if he could reiterate the cap with respect to increasing costs throughout the duration of the contract.

Mr. Rodriguez stated the contract has a Consumer Price Index (CPI) increase on it that is capped at three percent; and the cap means that if the inflation is one percent, they cannot ask for a three percent increase, all they can do is ask for a one percent increase.

Chair Lober remarked it is the lower of CPI or three percent, then.

Mr. Rodriguez replied yes sir.

Chair Lober stated he is happy to reiterate what is on the Agenda Item but he thinks everyone knows what it says; and he is open to a motion to approve it or discuss it.

Commissioner Pritchett stated she had a couple of struggles with it; the County is already fining them, which she thinks is a good thing; she thinks that will incentivize people to call that are not currently calling in; her struggle is when they miss a pick-up, it is costing them like \$1.30 and the County is giving them \$20 which is an extensive amount of money to pay people for that; and most of the complaints have been in District 1, but they are going down. She thinks in September there were seven complaints in her office and there were four this time; she stated her office receives one or two a week regardless; she is starting to see improvement; the new contract begins October 1, so she thinks a discussion in about a month might have been more appropriate; and she does not know that is getting fixed now. She went on to say if the Board does this and it has got to be validated with all the new ones, all of these people that are contacting the County will spend more staff time and have to add staff to do this; she does not know if there is not going to be an argument with what is validated and what is not, and how long that will take, then send a check; she does not know if it is fair if somebody misses five or six times to not be paying for any garbage service the rest of the year; and she does not have a problem with the \$50 fine because of what the Board is trying to get in place. She continued to say that kind of shares the love with the whole community later when it tries to get more waste management; if it is really this bad, then maybe it should go out for bid again; if they cannot fulfill it, she is concerned that another company wanting to place a bid with the County, knowing that it promotes the fee base; and she just has some concerns and would like to hear what the rest of the Board thinks.

Commissioner Isnardi stated she does not have a problem; obviously there is a system in place to pay a fine for missed pick-ups, but she does not like the idea of incentivizing complaints, only because she thinks it is telling people that if they miss a pick-up, you can report it and the County will pay you, and it just does not feel right; she thinks the County should be aggressive as it can if people are missing their pick-ups and make sure that it recovers those fines; Waste Management needs to be held accountable, but if that is the case, then take the numbers at the end of the year and reduce rates for everyone or give back a piece of those fines instead of the County keeping the money; but ultimately, it is the customer that was affected. She does not want to be in the business of incentivizing complaints.

Commissioner Tobia inquired of Mr. Rodriguez if he thinks there would be a need to add staff to verify complaints; and asked how long it takes to validate a complaint.

Mr. Rodriguez replied if the complaints received continued at the current level, they would not have to add staff; if they were to get additional complaints, yes, he would have to consider that option; and as far as validating, they validate any complaint.

Commissioner Tobia asked if there were more and he needed additional staff, there would also be additional revenue, correct, because that would be additional \$50 fines if 20 or 25 went to the person registering it, the other 20 or 25 that it would not otherwise have, would then come to his department.

Mr. Rodriguez replied yes, one goes along with the other.

Commissioner Tobia stated while there may need to be more staff, it may be covered; and he asked Mr. Rodriguez if that was fair to say.

Mr. Rodriguez replied yes sir.

Commissioner Tobia stated he did not know if Chair Lober has the votes on this one; he thinks that incentivizing behavior is something that government does all the time; the Board needs to tell the Sheriff to stop offering rewards for people that give crime tips to turn in people that have done bad things in this community; he does not think this is all that radical of a proposal; and he thinks Waste Management and the Board want the exact same thing, less misses and less complaints. He added if that is the goal, then whether the County offers \$20, \$50, or \$1.33, if there are none there, then there is no reason to complain; and he stated he will join Chair Lober on this and make the motion, but he does not know that he has a third on this one.

Commissioner Smith stated he did not have a third with him; the County has a brand new contract with these folks, and history with them; there are remedies in place in the contract if they fail to do their job; he does not feel that it needs to invent new ways; if it gets to the point where it really gets bad, then it could revisit the issue; but he does not think this is the time.

Chair Lober stated Commissioner Tobia mentioned the fact that revenue increases will offset any additional costs the County may have by way of staff; the reason this was introduced was because right around the time that residents were facing a 39 percent increase in their collection costs, which was unavoidable, it was a slap in the face to say pay almost 40 percent more and have missed pick-ups; he understands the concern about incentivizing folks insofar as it might encourage them to file complaints that are not valid, but staff would quickly see who those folks are that are filing those complaints and give complaints from those sources their due amount of warranted attention; using the liquidated damages to reduce the pick-up costs for everyone is much better than doing nothing with it; and he thinks it is better than building the reserves at this point in time in that particular department but, as Commissioner Isnardi pointed out, ultimately the ones that are affected most directly are the customers. He went on to say the folks that do not have their trash picked up on a particular day are the ones that have to smell the rotting food until it gets picked up; if someone ends up with seven or more missed pick-ups, that essentially comps the cost of their collection for the year, as they should have had those days with proper service; he has no qualms incentivizing people to report behavior that goes toward the contractual remedies, not looking to invent or add to the remedies, with respect to Waste Management; he is seeking to put the County in a better position whereby it can enforce those remedies that are available to the maximum extent possible; and it is the same thing with speed limits, a person will not speed if they know there are cops around the corner. He added he is not saying that Waste Management would intentionally not pick up trash, but he thinks anything the Board does to incentivize service that gets closer to perfect service, the better; he is happy that Waste Management has moved resources from the other contract on the south end of the County and kept those people on board without letting them go as he thinks that is to their benefit and to the County's benefit; he hopes that the County does not need something; but he still worries about the folks who are now paying more, should they continue to have issues with respect to their service pick-up.

Commissioner Tobia made a motion to approve the financial incentive for constituents' reporting of Waste Management missed pick-ups.

Chair Lober seconded the motion and Called the Question.

Commissioner Pritchett stated she hopes Waste Management continues to do better; her office is on the phone with them several times a week and she appreciates the hard work; in 2014, the County collected \$222,000 worth of fines, in 2018, \$24,950, in 2019, \$15,450, and this year it is at \$13,700; so the County does collect fines from Waste Management when they do not

pick-up; she is not sure about the other Commissioners, but she gets calls from the ones that are missed; and she wants to encourage them to continue to get the improvements done during the new contract.

Chair Lober stated he hopes things go well; the end goal is to have good, consistent service; and he hopes today's vote will not make a difference because the service will be at the level there would not be any liquidated damages to worry about.

The Board denied creating and implementing a financial incentive program for constituent reporting of Waste Management missed pickups.

**Result:** DENIED

**Mover:** John Tobia

**Second:** Bryan Lober

**Ayes:** Lober, and Tobia

**Nay:** Pritchett, Smith, and Isnardi

## **L. BOARD REPORTS**

### **L.4. Bryan Lober, Commissioner District 2, Chair, Re: Report**

Chair Lober stated the member of the Board each wear a number of hats in life and he is an attorney, a mediator, an avid shooter and a diver; wearing the other hats, he has been, and remains, involved in a number of different legal and civic organizations and groups; to his knowledge, this Board has never rejected any Commissioner's request to obtain an Attorney General Opinion (AGO); he would like to ask for approval to request an AGO to confirm that one or more of his planned activities will not conflict with his service as a County Commissioner; and he has already drafted the request and, as such, he does not think it would take more than a couple hours of the County Attorney's staff time.

The Board granted permission for the County Attorney to use up to two hours of staff time to request an AGO for Chair Bryan Andrew Lober, for his involvement in different legal and civic organizations and groups confirming that one or more planned activities of his will not conflict with his service as a County Commissioner.

Upon consensus of the Board, the meeting adjourned at 6:29 p.m.

ATTEST:

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SCOTT ELLIS, CLERK

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

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Bryan Lober

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