



AGENDA ITEM REQUEST FORM

Town Commission

Scot Sasser

Department Submitting Request

Commissioner

REG COMMISSION
Meeting Dates 7:00PM

DEADLINE TO
Town Clerk

ROUNDTABLE
Meeting Dates 7:00PM

DEADLINE TO
Town Clerk

- Nov 9, 2010
- Dec 7, 2010

- Oct 29 (5:00 pm)
- Nov 23 (5:00 pm)

- Nov 22, 2010
- Dec 14, 2010

- Nov 12 (5:00 pm)
- Nov 30 (5:00 pm)

- | | | | |
|---------------------------------------|---|--|---------------------------------------|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi Judicial | <input checked="" type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

SUBJECT TITLE: Update on Proposed Changes to the Solid Waste Services Agreement for Multifamily Properties with Carts.

EXPLANATION: To facilitate the evaluation of several requests to change some of the Town’s solid waste policies, the Commission appointed Commissioner Scot Sasser as the liaison to staff and the Town’s franchisee, Choice Environmental.

At the Commission meeting of August 25, 2010, the Commission adopted Ordinance 2010-10, which created a new category of mixed-use properties and improved the language for the temporary discontinuation of service for single family residents. We also administratively resolved the issue of duplexes sharing one cart.

We have since been working on proposed changes to the agreement with Choice that address the requests from several multifamily properties that they be allowed to decide the number of carts required and billed for their properties. The term sheet for the proposed agreement is attached (**Exhibit 1**). Currently multifamily properties pay for one cart per unit regardless of the number of carts they have on their property for their use. The proposal changes this practice by allowing multifamily properties to reduce the number of required carts for billing down to 50% of the property’s number of units. For example, a 30 unit property could reduce the number of carts billed to a number of their choosing down to 15 carts, as long as the number of carts is sufficient to handle their volume of waste. Each property can change the number of carts used twice a year with no charge. Beginning with the 3rd change there will be a fee assessed (see **Exhibit 1**).

Furthermore, as the Commission is aware, the cost for bulk trash service is embedded in the monthly cost for a cart. With the ability to reduce the number of carts, we are recommending a limit of one cubic yard bulk trash for each cart per month. For the 30 unit property with 15 carts, this means they could dispose of 15 cubic yards of trash per month, which would be a cube 14' long x 8' wide x 4' high.

Finally, our proposal includes increasing the renewal notice date of the existing contract to 180 days (currently 120 days). Staff believes this will protect the town by allowing more time to address options should a renewal not be approved by the Commission. Language will also be put in stating that staff will meet with Choice, prior to a recommendation to the Commission on renewal, to discuss changes or amendments to the agreement that each side would propose.

If the Commission is receptive to the proposed agreement, I suggest the Commission schedule a special meeting for first reading of the implementing ordinance on November 15, 2010, fifteen minutes prior to our workshop on that date. Second reading of the implementing ordinance could then be on the Commission meeting of December 7, 2010. Adoption on December 7th allows Choice time to change their billing notices for January 2011.

RECOMMENDATION: Recommend the Commission schedule a special meeting for November 15, 2010 to review Ordinance changes and approve at 1st Reading.

EXHIBITS: Exhibit 1 – Term Sheet

FISCAL IMPACT AND APPROPRIATION OF FUNDS: Nominal impact on the Town from loss of franchise revenue, which is projected to be less than \$4,000 (3.76% fee on residential service).

- | | |
|---|--|
| <input type="checkbox"/> Amount \$ _____ | <input type="checkbox"/> To Acct # _____ |
| <input type="checkbox"/> Transfer of funds required | <input type="checkbox"/> From Acct # _____ |

Reviewed by Town Attorney

Yes No

File: <https://trp9lz.docs.live.net/65d14c39bc46d4a2/Agenda/11092011 MF carts AC.doc>

Proposed Changes to the Solid Waste and Recycling Services Agreement

	Issue	Current Practice or Contract Terms	Proposed Change
1.	Consumer Choice	<p>Multifamily properties are charged for one cart per unit.</p> <p>Example: a 12 unit property current pays for 12 carts. $\\$18.37 * 12 = \\220.44</p>	<p>A property may change the number of carts they pay for down to 50% of the number of units. If 50% of the number of units is not a whole number, the minimum number of carts would be rounded down to the whole number.</p> <p>Examples:</p> <ol style="list-style-type: none"> 1. A 12 unit property may reduce the number of carts they pay for to 50% of the number of units. $\\$18.37 * 6 = \\110.22. 2. The 50% minimum number for an 11 unit property is 5 carts.
2.	Change in number of carts	<p>Multifamily properties may change the number of carts they have on property but they continue to pay for one cart per unit.</p>	<p>Multifamily properties may change the number of carts on property twice per year without fee. Starting with the third change within the Town's fiscal year, the property would pay \$25 to have up to four carts picked up or delivered. Each additional cart would be \$15 each. At least thirty days notice is required. If carts are picked-up or delivered prior to the 15th of the month, the next month's bill will reflect the change. If the change occurs after the 15th of the month, the change in billing will occur on the subsequent month's bill.</p> <p>Example:</p> <ol style="list-style-type: none"> 1) On August 3rd Property XYZ requests 3 carts to be delivered near the last week in October. No fee. 2) On October 1st Property XYZ request 2 additional carts. No fee. 3) On April 1st, Property XYZ requests the removal of 5 additional carts. \$40 fee because this is the third change in the number of carts in the fiscal year (\$25 for the first 4 carts and \$15 for the 5th cart).

Proposed Changes to the Solid Waste and Recycling Services Agreement

	Issue	Current Practice or Contract Terms	Proposed Change
3.	Bulk Trash	Beginning in July 2009 with this Contractor, multi-family properties with carts were provided unlimited bulk trash pick-up once per month.	Bulk Trash limited to one cubic yard per cart. Example: Property XYZ has six carts so they are eligible to have six cubic yards of bulk trash picked-up once per month.
4.	Contract Renewal Notice	<p>Section 1.4 of the Solid Waste Services Agreement provides that notice of the Town's intent to exercise its renewal option or to allow the contract to terminate will be given not less than 120 calendar days prior to expiration.</p> <p>If the Town decides to renew, Contractor has 20 calendar days to accept or decline the renewal offer.</p> <p>The initial term of the agreement terminates on June 20, 2012 making the Town's deadline to notice the Contractor about February 21st. The Contractor deadline to notice the Town is about March 27th.</p>	<p>Change the Town's notice deadline to 180 days prior to the expiration of the then current term. Add language that indicates that, prior to making a recommendation to the Town Commission on the whether to renew the contract, the Town staff will meet and confer with the contractor regarding changes in terms and conditions that either the Town or the Contractor would like to see reflected in a contract renewal.</p> <p>-----</p> <p>Note: Staff believes amending the agreement to provide more time for the renewal notice protects the Town in the event the agreement is not renewed or the Contractor declines the renewal option.</p> <p>If the Town waits until February 21 to give notice not to renew or the Contractor decline the renewal offer, staff does not believe the Town could do a creditable job of creating an RFP, received Commission approval, evaluate bids, Commission award bids and the new contractor be operational by June 21, 2012.</p>

Proposed Changes to the Solid Waste and Recycling Services Agreement

Amendment of the Agreement	Approval	Implementation
<p>The Solid Waste Services Agreement was adopted by Ordinance 2009-13 because it grants an exclusive franchise to operate the only solid waste and recycling collection system in Lauderdale-By-The-Sea.</p> <p>Any amendment to the Agreement also has to be adopted by Ordinance.</p>	<p>First Reading of the Ordinance is proposed for a special meeting on November 15, 2010.</p> <p>The Second Reading will be scheduled for the Commission's regular meeting on December 7, 2010.</p>	<p>Note: Multifamily properties with carts are billed monthly for their solid waste service. The billing period starts on the first of each month.</p> <p>If the Commission approves the ordinance amending the Agreement on December 7, 2010, the Contractor will change their January bills to reflect the current number of carts for each property subject to the 50% rule.</p> <p>Any requests by properties to change the number of carts they have would be processed after the adoption of the ordinance as outlined in item 2.</p>