



City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 st Reading	2 nd Reading
5/5/2021	<input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Other	Ordinance Reading	N/A	N/A
		Public Hearing	<input type="checkbox"/>	<input type="checkbox"/>
		Advertising Required	<input type="checkbox"/>	<input type="checkbox"/>
		Quasi-Judicial:	<input type="checkbox"/>	<input type="checkbox"/>
File No.:				
21-139				
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number:	
N/A	N/A	N/A	N/A	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A	Jeff Odoms Public Works Director	Public Works	
Strategic Plan Focus Areas:				
<input checked="" type="checkbox"/> Finance & Budget		<input type="checkbox"/> Organizational Capacity	<input type="checkbox"/> Infrastructure/Projects	
Implementation Timeline:				
Estimated Start Date: 4/21/2021 Estimated End Date: N/A				

SHORT TITLE:

APPEAL OF CITY MANAGER DETERMINATION REGARDING USE OF PRIVATE SANITATION HAULING SERVICES

STAFF SUMMARY:

Summary:

The Oceanview Park Condominium Association seeks to appeal the denial of a request for a waiver for the association to be able to acquire sanitation services from a private vendor and discontinue receiving these services from the City.

Background:

Since 1987 the City Commission has, by ordinance, directed a policy of retaining the sole responsibility of sanitation hauling service to the City. There are numerous policy reasons for wanting to have a minimal number of sanitation haulers operating in the City. For example, the City of Hallandale Beach is merely four square miles in size and multiple haulers would mean

increased traffic congestion. Numerous other reasons have been noted by the City Commission over the years.

On October 6, 2020, Oceanview Park Condominium Association requested a waiver from the City of Hallandale Beach to allow the association to engage a private waste hauler to service its property.

On December 30, 2020, the City management team provided the following response.

"The City has considered the request and the association's rationale for making the request. This letter provides the same response that was provided during the meeting October 6: The City can provide the service to the Association and will, therefore, not grant the requested waiver. The association seeks to pay less by hiring a private hauler. The association also believes it could receive superior service from a private hauler. The association has not established that the City is unable nor refusing to provide the services. Indeed, the City is both able to provide the service and eager to satisfactorily fulfill the association's needs, thus fulfilling the standards of Section 32-639(a)(2) of City Code. Garbage service is reserved to the City for collection and disposal; such an arrangement is necessary to ensure that the City's operation remains fiscally viable." (Exhibit 1)

There is no sanitation operation that runs perfectly smoothly 100% of the time. However, our team has made every effort to address the issues and concerns of the association. For example, on March 24th, there was an incident where our sanitation truck accidentally dropped trash out of the rear of the vehicle, onto the parking lot of the association. Our team immediately addressed the issue, by cleaning up the trash and the pavement.

Even though there have been challenges, the Public Works department has performed sanitation services satisfactorily and remain committed to providing for the association's needs. This focused effort is part of the team's mission of fulfilling the standards of Section 32-639(a)(2) of City Code. Sanitation services are reserved to the City for collection and disposal. The continual support of all our customers is vital to the City's operation remaining fiscally viable.

Current Situation:

The Oceanview is requesting a hearing with the City Commission on their being denied the above stated waiver.

Why Action is Necessary:

The City Code provides as follows: (emphasis added)

Sec. 32-632. - Removal required.

a) All residents, occupants or owners of premises in the city shall be required to have accumulations of garbage, trash, and recycling materials removed and disposed of as authorized in this division, and the city shall provide adequate equipment, personnel and facilities to serve the city. Each premises and/or the owner or occupant shall be subject to the fees provided by resolution or administrative order for the service or availability of service.

(b) This requirement may be waived pursuant to the provisions of section 32-645 or, by making application for a permit under section 32-639(i)(1), an application for waiver may be approved by the city manager upon a satisfactory showing that absolutely no garbage, or trash, or recycling material is generated on the premises, or that city service is unavailable or impractical, or for other good and sufficient reasons. His decision may be appealed to the city commission.

Sec. 32-645. - Impracticability of provision of service.

Notwithstanding anything to the contrary contained in this division, the city shall not be required to provide service to a particular customer if in the opinion of the city manager it is not safe or practicable for garbage to be collected by the equipment and facilities of the city.

Sec. 32-639(i)(1) provides that owners or tenants must apply to the City Manager for a permit to obtain services from a private hauler. It provides for terms of the permit if issued and address the right of properties grandfathered into the ordinance in 1987. It provides no additional criteria for issuance of the permit other than the grandfathering.

In this matter, as indicated in Exhibit 1, the City Manager has determined that service is not unavailable or impracticable pursuant to Sec 32-645. Although flaws in the City's service are noted and being addressed, pursuant to the criteria in Section 32-645, the City is indeed able to provide safe and practical service. Perfect service is generally desired, but not the standard for abandoning service to customers within the City.

At the request of the Association for their appeal to be set down for a Commission's meeting, this item is being presented to the Commission in consideration of their request. The Commission may overturn the City Manager's decision if it find sufficient evidence to meet the standard in Sec. 32-632(b).

Correspondence from the applicant documenting issues and their request has been attached hereto for the Commission's consideration. Additional information may be presented by the applicant if previously submitted to the City Manager.

Cost Benefit:

Having multiple sanitation companies potentially operating within the City would allow for less accountability over any issues that may arise, as one company could potentially blame another for negligence or negative outcomes that may occur. With only one operator (currently the City) operating within the City, any issues arising would be dealt with more efficiently and with less delay.

PROPOSED ACTION:

The City Commission receives for discussion, the Associations' Notice of Appeal of the City Manager's decision rejecting a request for waiver to allow the Association to engage a private company to haul and dispose the waste from the Association property.

ATTACHMENT(S):

- Exhibit 1 – Letter from Assistant City Manager Keven Klopp to Association dated 12/30/20
- Exhibit 2 - Notice of Appeal to the City Commission of the City Manager's decision dated 01/07/21
- Exhibit 3- Letter from Requestor dated 04-16-2020
- Exhibit 4- Letter from Requestor dated 06-16-2020
- Exhibit 5- Email and Proposed Waiver Draft from Requestor 10-02-2020
- Exhibit 6- Letter from Requestor dated 10-27-2020
- Exhibit 7- Letter from Requestor dated 11-04-2020
- Exhibit 8- Email from requestor dated 03-24-21

Prepared By: Jeff Odoms

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Reviewed By: Noemy Sandoval

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Assistant City Manager

Approved By: Jeremy Earle

Dr. Jeremy Earle
City Manager