

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: November 12, 2019

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To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: H. Paul Brazil, P. E., Director of Public Works

Re: The Four Seasons Resort Palm Beach Appeal of Fines Imposed for Non-payment of Solid Waste Collection Fees

DATE: October 31, 2019

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## **STAFF RECOMMENDATION**

Town staff recommends that the Town Council uphold the Public Works Director's decision to not waive the late penalties that have been imposed.

## **GENERAL INFORMATION**

The Town provides compacted garbage collection to several businesses including the Four Seasons Resort Palm Beach (the Resort). During calendar year 2019, the Resort accrued \$16,316.19 of penalties for non-payment for services provided. They are appealing those penalties as our Code allows. The request is attached as Exhibit A.

Some of our larger customers find it more convenient, or necessary, to have a compactor onsite due to the large amount of waste generated on a daily basis. The Town contracts the collection from the compactors and passes that cost on to the customers. Compacted waste is collected weekly and the customers are billed quarterly. When a customer is late paying a solid waste invoice, a statement and notice is sent to the billing address established by the customer. As a courtesy, staff also reaches out to the customer with either an email or phone call. All of the attempts are documented. If payment is not received by the end of the month, the account accrues a penalty. The amount of the penalty is 10% and it is established by Code.

This account received penalties on seven (7) occasions in eight (8) months. Town staff reached out to the customer on twenty-four (24) occasions. This included certified letters that were received, emails, and phone calls to the Resort directly. A log of our attempts to contact the resort to inform them of the severity of the issue is attached as Exhibit B. I believe that Town staff did everything that they should have to try to assist the Resort. The Resort did not resolve the issue until it was handed over to Code Enforcement.

In the ten (10) year history of this account, the Resort has been delinquent 48 times and the Town has waived penalties eleven (11) times. Staff has spent an inordinate amount of time trying to collect the quarterly fees.

Also, the Resort has previously asked for relief from penalties. Relief was granted by the Town Manager in 2015 for two (2) penalties totaling \$1,953.50. Ms. Zdenka Demus requested the relief because she felt that she did not receive the invoices in a timely manner.

Given the number of attempts to resolve the issue this year and the late payments in previous years, I believe that the fees should not be waived. The Resort is asking that the Town Council to overturn that decision.

### **FUNDING/FISCAL IMPACT**

The Resort has paid penalties of \$16,316.19. If the Town Council chooses to waive the penalties, these funds would be returned to the Resort or staff could credit their account for that amount.

### **TOWN ATTORNEY REVIEW**

The Town Attorney reviewed this item and will be available to answer any questions at the meeting.

Attachments