

PRESS RELEASE – TRAIL RIDGE LAWSUIT BY CONCERNED TAXPAYERS OF DUVAL COUNTY

Jacksonville, Florida
March 17, 2010

The City of Jacksonville may have tentatively agreed to settle its lawsuit with Waste Management over continued operation of the Trail Ridge landfill, but the suit filed last April by the Concerned Taxpayers of Duval County, Inc. to make sure that the City bids out future landfill construction and waste disposal remains ready to challenge any proposed Trail Ridge “deal” which tries to award more taxpayer dollars to Waste Management without open competition. That suit against Jacksonville’s mayor and council is pending in Circuit Court in Duval County, Case No. 16-2009-CA-006572 (attached, without exhibits).

Both the City and Waste Management cite mandatory “confidentiality” of court-ordered mediation as the reason for refusing to give the public any details of their proposed settlement since its existence was announced on March 15. Remarks by City Council President Richard Clark and a Waste Management spokesman, however, make it clear that the tentative agreement involves an extension of Waste Management’s work at Trail Ridge *without competitive bidding*.

John Winkler, attorney for the Concerned Taxpayers and one of the twelve citizen plaintiffs in the suit, points out that every legal, economic and political concern raised at the end of 2008, when Mayor Peyton first proposed “amending” the 1990 contract with Waste Management to extend it, without competition, for as long as **35 more years**, is still present. “We believed then, and believe now, that the City’s current procurement policy requires any new landfill to be competitively bid, that a bid process offers the taxpayers the most cost efficient services, and that the City administration, for unknown reasons, favors sole-source contracting over competitive procurement. Last spring there was vast public outcry **against** awarding a \$750 million, decades-long, no bid contract to Waste Management – a company which broadcast its intent to sue our City unless we adopted their tortured interpretation of the 20 year old landfill agreement – that is, that Waste Management had been hired to be the **only** company which could run our City dump, **ever**,” says Winkler.

“Sure enough,” he continued, “when the City Council got the political courage to ignore Waste Management’s expensive public relations campaign, and rejected the Mayor’s attempted backroom deal in favor of seeking a judge’s interpretation of the old contract, Waste Management beat them to the punch by suing first, seeking an injunction against the City ever even thinking about contracting with anyone else to run a garbage dump at Trail Ridge.”

“What has changed in the last ten months which causes Council President Clark to now say it ‘makes good business sense’ to abandon our City procurement policy and the benefits of free market competition in favor of a no-bid deal?” asks Winkler. “It is the entire concept of only negotiating with one service provider, when at least a half-dozen are capable and interested in doing the work, that is wrong. There is no way that yielding to bullying and unwarranted fear of litigation will now save us as much tax (or ‘garbage fee’) money in the long run as open competition, and nothing says the bully will play nice in the future. So what is the motive? The Mayor tried to use a deal with Waste Management to plug part of the hole of his budget, without

regard to long-term consequences. I believe that once we see the details of the ‘new deal’ it will be obvious that the same fiscal trickery is again at work for our upcoming budget.”

“We don’t want the City to just kick the can down the road,” added Victor Wilhelm, President of the Concerned Taxpayers (and another plaintiff in the suit), “we owe it to all of the citizens and to the next generation of taxpayers to get the best deal possible, and competitive bidding is the way to do it.”

The Concerned Taxpayers of Duval County, Inc. is a nonpartisan, not for profit Florida corporation dedicated to fighting waste and abuse of local tax revenues, to exposing favoritism and nepotism in local government, and to encouraging transparency in all government functions. Further information is available at www.jaxtaxpayers.org.

FURTHER INFORMATION:

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