OFFICE OF THE INSPECTOR GENERAL
CITY OF BALTIMORE

Isabel Mercedes Cumming

Inspector General

Investigative Report Synopsis

OIG Case # 19-0067-I

Issued: November 26, 2019

OFFICE OF THE INSPECTOR GENERAL
Isabel Mercedes Cumming, Inspector General
City Hall, Suite 635
100 N. Holliday Street
Baltimore, MD 21202

November 26, 2019

Dear Citizens of Baltimore City,

The Office of the Inspector General (OIG) received complaints relating to issues in the Department of Public Works (DPW), Bureau of Solid Waste (SW). The complaints included an allegation of waste of City funds within BSW.

The mission of the OIG is to promote accountability, efficiency, and integrity in City government, as well as the investigation of complaints of fraud, financial waste, and abuse in City government. During an investigation into the overtime and attendance practices (19-0047-I) within the Bureau of Solid Waste (SW) curbside collections, the OIG identified an additional investigatory issue. The OIG received information that the Village of Cross Keys (VCK) complex, located in Northwest Baltimore City, had been serviced by SW more frequently than DPW policy allows. Information gathered alleged the VCK had been receiving two (2) days of mixed refuse services and one (1) day of recycling services, and SW or DPW management was receiving funds directly to provide the additional service. The VCK complex is comprised of single-family homes, townhomes, low rise condominiums, high rise condominiums, commercial establishments and community areas.

In 2009, SW adopted the 1+1 operation for the curbside collection, which requires that all Baltimore City citizens who receive curbside collection services will have one (1) service day for mixed refuse collection and one (1) service day for recycling collection. The curbside collections operation performs mixed refuse and recycling collections services throughout the City of Baltimore.

Baltimore City residents who live in multiple family dwelling units such as condominiums or reside in Baltimore City Housing are serviced by SW's EZ pack operation. The EZ pack operation provides dumpster collection services.

The OIG found the VCK was receiving an additional day of curbside collection for the residents residing in the single-family homes, townhomes and low-rise condominiums.[1] However, the OIG could not substantiate the allegation that payment was made to the Department of Public Works (DPW) or Solid Waste (SW) directly for the additional service. The OIG found that resources and time were wasted in collecting mixed refuse from the VCK on Mondays, amounting to at least $100,000[2] in over the 10-year period.

As a result of the OIG investigation into the VCK mixed refuse collection services, SW Bureau initiated an internal investigation. Effective July 19, 2019, SW Bureau discontinued Monday curbside collection services at the VCK complex.

[1] The high-rise condominiums Harper House is excluded from this collection schedule as well as the Hotel and commercial establishments
[2] Including crew time, vehicle gas and mileage and cost of disposal for additional service day

Background

The VCK is a multi-use development composed of condominium units, retail shops, a hotel, office buildings, and recreational spaces. Within the VCK, there are nine different types of condominium properties including townhouses, garden apartment style condominiums, mid-rise and high-rise condominiums. Residential units are individually owned and share common areas. Most of the properties are managed by Village Management Inc. According to Village Management, SW has been serving the VCK townhomes and mid-rise condominiums three (3) time a week[3] for approximately 15 years.

Figure 1:Map of the Village of Cross Keys Complex

SW curbside collections operation changed service days and hours via an addendum to the AFSCME Local 44 Memorandum of Understating (MOU) with the City of Baltimore, July 2009. The addendum modified the hours of operation to Tuesday through Friday, 6:00 a.m. to 4:00p.m. with a ten (10) hour a day operation.

Investigation

According to Village Management, in approximately 2009 the VCK had a meeting with the then Bureau, and the then Division, requesting additional services. Village Management informed the OIG there was no paperwork submitted or a formal agreement signed, SW just agreed with the additional day of service and they have been receiving mixed refused collection services ever since.

The OIG met with the current Bureau and asked how mixed refuse and recycling collection should be conducted in the VCK. SW Bureau stated two (2) operations service the VCK, the curbside operation and the Marine Unit Operation[4]. SW Bureau stated the load packer vehicle[5] service is dispatched from the Northwest Quadrant to service the single-family homes in the VCK on Wednesdays and Fridays[6]. SW Bureau went on to say the Marine unit yard is responsible for the condominiums within the VCK.

Figure 2 below shows the VCK Trash and Recycling Service Schedule excluding Harper House.

Day of Week	Monday	Tuesday	Wednesday	Thursday	Friday
Operation	EZ Pack		Curbside Collections (NW Quadrant)		Curbside Collections (NW Quadrant)
Truck	Load Packer		Load Packer		Load Packer
Crew	3-Person		3-Person		3-Person
Service	Mixed Refuse		Mixed Refuse		Recycling

Figure 2

[3] Mixed Refuse collections twice a week and recycling collection once a week
[4] The Marine operation is responsible for condominium collections; they use a two-person crew one (1) Driver and one (1) laborer
[5] Curbside collections are staff by a three (3) person crew; one (1) driver and two (2) laborers
[6] Mixed Refused is collected on Wednesdays and recycling is collected on Fridays

Figure 3 below shows the Harper House Condominium Dumpster Service.

Day of Week	Monday	Tuesday	Wednesday	Thursday	Friday
Operation		EZ Pack	EZ Pack		Curbside Collections
Truck		Front End Loader	Front End Loader		Load Packer
Crew		2-Person	2-Person		3-Person
Service		Mixed Refuse	Recycling		Mixed Refuse

Figure 3

Figures 4 and 5 show the difference between the types of truck used for different types of collection services.

Figure 4

Figure 5

Marine Unit informed the OIG she inherited the Monday collection day at the VCK from SW Superintendent. Marine Unit told the OIG she was unaware the VCK was also being serviced on Wednesdays. Marine Unit went on to say she assumed the Northwest Quadrant was only servicing the VCK for recycling on Fridays. SW Superintendent informed the OIG that the Northwest Quadrant's curbside collection operation serviced the VCK on Mondays, Wednesdays, and Fridays until Marine Unit was given Mondays.

Condominium Collection

During the OIG investigation, particular attention was directed at the mixed refuse collection procedures for the VCK Condominiums. According to Article 23: Sanitation, the Director of DPW is required to collect all mixed refuse, recyclable materials, and yard waste from all dwellings, including multiple-family dwellings…where mixed refuse is accumulated, subject to the quantity limitations. Quantity limitations outlined in the that sanitation article (1) 96 gallons of mixed refused and (2) unlimited recycling if it is separated from mixed refuse.

Condominium collection can have an exception to the quantity limits if the Director of DPW has authorization from the Board of Estimates (BOE). The BOE is authorized to base their decision on considerations of public health, safety, and welfare (Exhibit 1). However, prior to requesting authorization to collect mixed refuse from a condominium or cooperative, the DPW Director must:

- Receive a written request for services
- Received documentation that a majority of the units in the condominium or cooperative are owner-occupied as a primary residence
- Have a right-of-entry agreement with the condominium or cooperative
- Approve a feasible means to collect mixed refused from the condominium or cooperative
- Approve a feasible means to collect mixed refuse from the condominium or cooperative

The OIG requested the above referenced documents from the law department and DPW to no avail. Additionally, the OIG was unable to find BOE approval for an additional mixed refuse collection day for the VCK.

Conclusion

The OIG found SW management authorized the VCK an additional mixed refused service collection day without the authorization of the BOE and without informing the current DPW Director, in 2009. Additionally, SW did not receive documentation the VCK complex was in compliance with the 51% owner-occupied requirement for City of Baltimore services every other year as stated in the Sanitation Article. As a result of this mismanagement of resources the OIG estimates an approximate loss of $100,000 to the City of Baltimore.

The OIG learned as a result of the probe into the services afforded to the VCK, SW Bureau initiated an internal investigation. As of July 19, 2019, the OIG learned SW Bureau discontinued Monday mixed refuse service to the VCK which will result in a savings for the City.

The response from Deputy Director is attached.

Sincerely,

Isabel Mercedes Cumming, Inspector General
Office of the Inspector General

cc: Hon. Bernard C. "Jack" Young, Mayor of Baltimore City
Hon. Brandon Scott, President, City Council
Hon. Joan M. Pratt, Baltimore City Comptroller
Honorable Members of the Baltimore City Council
Hon. Andre M. Davis, City Solicitor