



Broward County

Legislation Details (With Text)

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In control: Public Works - Water and Wastewater Services

On agenda: 9/20/2022 **Final action:** 9/20/2022

Title: MOTION TO APPROVE First Amendment to Grant Agreement between Broward County and the South Florida Water Management District for Broward County Water and Wastewater Services' Toilet Replacement Credit Program, to extend the term for one year to October 31, 2023; authorize the Mayor and Clerk to execute same; and authorize the County Administrator to take the necessary administrative and budgetary actions related to the Agreement. (Commission Districts 2, 4, 5, 6, 7, 8 and 9)

Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 1 - 2021 Toilet Rebate Grant Agreement, 2. Exhibit 2 - SFWMD 4600004364-Amendment01

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Trevor M. A. Fisher

Department: Public Works **Division:** Water & Wastewater Services

Information

Requested Action

MOTION TO APPROVE First Amendment to Grant Agreement between Broward County and the South Florida Water Management District for Broward County Water and Wastewater Services' Toilet Replacement Credit Program, to extend the term for one year to October 31, 2023; authorize the Mayor and Clerk to execute same; and authorize the County Administrator to take the necessary administrative and budgetary actions related to the Agreement. **(Commission Districts 2, 4, 5, 6, 7, 8 and 9)**

Why Action is Necessary

Board of County Commissioners' approval is required pursuant to Broward County Administrative Code, Section 20.31.b.3 for all grant agreement and amendment executions.

What Action Accomplishes

Extends the Grant Agreement for Broward County Water and Wastewater Services' Toilet Replacement Credit Program by one year.

Is this Action Goal Related

Yes

Previous Action Taken

None

Summary Explanation/Background

PUBLIC WORKS DEPARTMENT/WATER AND WASTEWATER SERVICES RECOMMENDS APPROVAL OF THE ABOVE MOTION.

This Grant Agreement supports the Board of County Commissioners' vision of "a sustainable system of world-class intermodal transportation, infrastructure, quality human services, public safety, accessible housing, recreation, arts and culture, complementing and balancing our natural resources and environment" with the value of "Encouraging investments in renewable energy, sustainable practices and environmental protection" and goal to "seek funding for, implement policies and pursue projects promoting, the use of alternative energy, resource conservation, sustainable practices and environmental protection" and goal to "increase water quality protection efforts and lead creative approaches to water storage and aquifer recharge, as well as diversification of water supplies, regionally."

According to the United States Environmental Protection Agency (USEPA), toilets utilize the most water in homes, accounting for nearly 30% of residential indoor water use. Inefficient or leaking toilets also contribute to water usage. The USEPA established standards for low flow, high efficiency toilets and created the WaterSense® designation for toilets that meet its 1.28 gallons per flush low flow criteria. Toilets with the WaterSense® designation are available at most local home improvement stores.

On August 4, 2009 (Item No. 40), the Board of County Commissioners approved the Toilet Replacement Credit Program for Broward County's Water and Wastewater Services customers. The Program provides a \$100 rebate credit per toilet (limited to two installations per residential unit) through billing statements to Broward County residential customers who replace high-volume toilets with new high-efficiency toilets that meet the USEPA WaterSense® established guidelines.

The original Grant Agreement (Exhibit 1) approved by the Board of County Commissioners on June 15, 2021, Item No. 16, was retroactive to the South Florida Water Management District's (SFWMD) award date of November 12, 2020, and allows Broward County to be reimbursed for all toilet credits issued since that date as well as future toilet credits applied before the agreement's original expiration (October 31, 2022). This Grant Agreement did not include the County's standard agreement provisions because the SFWMD requires the use of their standard form agreement when they issue a grant to the County in the form of a purchase order. In the purchase order terms and conditions, Broward County is indemnifying SFWMD for the County's (and its employees) wrongful conduct subject to the limits permitted in Florida Law (768.28, Florida Statutes). The agreement also allows the SFWMD to terminate the agreement for convenience upon 30 days' notice. In addition, should the County have to indemnify SFWMD, the agreement permits SFWMD to choose counsel, and requires that any litigation stemming from, or relating to, the agreement be filed in the 15th Circuit Court (West Palm Beach). As this grant solely reimburses funds spent on toilet credit rebates, staff does not anticipate any legal actions will arise from this grant's implementation. Rather than lose funds from this grant, staff is recommending agreement approval as provided by SFWMD.

This motion is to approve the extension of the grant agreement (Exhibit 2) with a new expiration date

of October 31, 2023. This amendment will become effective on November 1, 2022. The new amendment also establishes additional quarterly reporting requirements and deadlines based on the extended grant contract time.

The County Attorney's Office has approved the agreement subject to the disclosure of the above-stated agreement deviations to the Board of County Commissioners.

Source of Additional Information

Alan W. Garcia, P.E., Director, Water and Wastewater Services, (954) 831-0704

Trevor M.A. Fisher, P.E., MBA, Director, Public Works Department, (954) 357-6410

Fiscal Impact

Fiscal Impact/Cost Summary

The current Water and Wastewater Services Fund 44100 contains \$60,000 including the County's cost share and the South Florida Management District's cost share to implement the Toilet Replacement Credit Program. As part of this agreement, the South Florida Water Management District will reimburse the County for approximately 40% of the program's costs up to a maximum of \$24,000 upon program completion. The County's match is \$36,000 or 60% of the program's costs. From the inception of this agreement to date, Water and Wastewater Services has issued 432 toilet rebates at \$100 each, and have an additional 168 rebates that can be issued between now and October 31, 2023 under this grant program.