



# Broward County

## Legislation Text

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File #: 20-219, Version: 1

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### **Broward County Commission Regular Meeting**

**Director's Name:** Henry A. Snizek

**Department:** Environmental Protection

**Division:** Environmental Planning & Comm. Resilience

### **Information**

#### **Requested Action**

A. **MOTION TO APPROVE** Agreement between Broward County and the South Florida Water Management District (SFWMD) providing cost-share funding for the Broward Regional Water Conservation and Incentives Program and reimbursing Broward County for rebates issued through the Conservation Pays toilet rebate program, with a contract term from December 12, 2019 to December 31, 2022 and a contract value of \$200,000 (\$100,000 SFWMD grant funding, matching \$100,000 in Broward Water Partnership cost-share), and authorize the County Administrator to execute all administrative and budgetary actions related to the Agreement, and authorize the Mayor and Clerk to execute the same.

***ACTION: (T-10:32 AM) Approved.***

***VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.***

B. **MOTION TO ADOPT** budget Resolution No. 2020-076 in the amount of \$200,000 within the Environmental Planning and Community Resilience Division's State Grants Fund to appropriate the SFWMD grant for the purpose of reimbursing Broward County for rebates issued through the Conservation Pays toilet rebate program.

***ACTION: (T-10:32 AM) Approved.***

***VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.***

#### **Why Action is Necessary**

Motion A. In accordance with Broward County Code, Chapter 1, Section 1-20, action by the Broward County Board of County Commissioners is necessary to execute the cost-share agreement and recognize the cost-share funding in the contract fund of the EPCRD, and board action is required to delegate related administrative and budgetary activities.

Motion B. County Commission approval is necessary to receive and appropriate grant funds and unanticipated revenues.

#### **What Action Accomplishes**

Motion A. This action allows the County to receive grant funds that will support the implementation of

the Broward Regional Water Conservation and Incentives Program and issuance of toilet rebates through the Broward Water Partnership.

Motion B. Recognizes and appropriates grant funding provided by the SFWMD in support of the Regional Water Conservation and Incentives program, under the auspices of the Broward Water Partnership and the Conservation Pays Program.

**Is this Action Goal Related**

Yes

**Previous Action Taken**

None.

**Summary Explanation/Background**

THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT AND THE ENVIRONMENTAL PLANNING AND COMMUNITY RESILIENCE DIVISION (EPCRD) RECOMMEND APPROVAL OF THE ABOVE MOTION.

Approval of this item supports the Commission Value of “Encouraging investments in renewable energy, sustainable practices and environmental protection” and goals to 1) Seek funding for, implement policies and pursue projects promoting the use of alternative energy, resource conservation, sustainable practices and environmental protection, and 2) Increase water quality protection efforts and lead creative approaches to water storage and aquifer recharge, as well as diversification of water supplies, regionally with the receipt of cost-share funding to further county-wide water conservation efforts.

This item provides Broward County with grant funds as cost-share support from the South Florida Water Management District (SFWMD) to promote the county-wide water conservation and incentives program for Fiscal Years 2020 and 2021. Support for this item provides for continued implementation of the Regional Water Conservation and Incentives program under the auspices of the Broward Water Partnership and the Conservation Pays Program. The program is being administered by the EPCRD, in collaboration with municipal and water utility program partners, with cost-share reimbursement to the County for program and administrative services provided. This action will provide for additional rebates to be offered within 14 of the program partner’s water utility service areas, per interlocal agreements approved by the Board on December 13, 2016 (Item 11). Through the Broward Water Partnership, the Conservation Pays program has provided over 15,000 rebates since 2011 for the replacement of older, inefficient toilets with high efficiency models.

This is a grant agreement with a state agency and does not include the County’s standard form agreement provisions. In the agreement, the SFWMD has the ability to terminate without notice or cure in Section 6.4, if any application information is false or if the County fails to complete the activities. In Section 9.1, there is indemnification by the County, which is subject to the County’s sovereign immunity rights under Section 768.28, Florida Statutes. The agreement also advises, SFWMD will not amend its offered agreement terms and conditions. Additionally, in Section 8.8, the agreement shall be void or subject to immediate termination in the event of any misrepresentation or false certification by the County. The Office of the County Attorney has approved the agreement as to

form subject to the disclosure of the above-stated provisions. This agreement has been reviewed and approved as to form by the Grants Coordination Section.

**Source of Additional Information**

Dr. Jennifer Jurado, Chief Resilience Officer and Director, Environmental Planning and Community Resilience Division, (954) 519-1464

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

This agreement provides Broward County with \$100,000 in grant funding from the SFWMD for rebates to be delivered as part of the Water Conservation Incentive Program on behalf of 14 program partners who provide cooperative funding for the Program. The Broward Water Partnership partners will contribute equal matching funds of \$100,000. No additional funds will be required from the County.