



# Broward County

## Legislation Text

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File #: 21-1071, Version: 1

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

**Director's Name:** Trevor M. A. Fisher (Acting Director)

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

### **Information**

#### **Requested Action**

**MOTION TO APPROVE** Grant Agreement between Broward County and the South Florida Water Management District to receive 40% of program costs for Broward County Water and Wastewater Services' Toilet Replacement Credit Program up to a maximum of \$24,000, with a retroactive term commencing on November 12, 2020 and terminating on October 31, 2022; 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, 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 executions.

#### **What Action Accomplishes**

Allows Broward County to accept grant funding to offset a portion of the cost for the existing Broward County Water and Wastewater Services' Toilet Replacement Credit Program.

#### **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 proposed Grant Agreement (Exhibit 1) is 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 expiration (October 31, 2022). This Grant Agreement does 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.

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, Acting 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.