

RESOLUTION NO. R-07-31

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING INDOOR WATER CONSERVATION FINANCIAL INCENTIVES; PROVIDING RECITALS; PROVIDING PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR FUNDING; PROVIDING ELIGIBILITY; PROVIDING INCENTIVES; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, a political subdivision of the State of Florida, owns and operates the Manatee County Public Utilities System pursuant to Section 125.01, Florida Statutes, Chapter 153, Florida Statutes, Chapter 63-1598, Laws of Florida, as amended, Chapter 2-31, Article IV, Manatee County Code of Ordinances, and other applicable provisions of law; and

WHEREAS, Policy 3.2.3.1 of the Conservation Element of the 2020 Manatee County Comprehensive Plan provides for the county to continue to encourage residents and businesses to maintain or improve water conserving habits; and

WHEREAS, Policy 3.2.3.5 of the Conservation Element of the 2020 Manatee County Comprehensive Plan provides for the county to explore the costs and benefits of revising codes to require the use of low volume plumbing fixtures in new development and redevelopment; and

WHEREAS, Objective 9.6.1 of the Water Supply Sub-Element of the 2020 Manatee County Comprehensive Plan provides for the county to require that potable water conservation is practiced to conserve water supplies for future residents; and

WHEREAS, the Energy Policy Act of 1992, codified in 42 U.S.C.A. § 6295, provides federal energy conservation standards for water closets and toilets; and

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WHEREAS, 42 U.S.C.A. § 6295(k)(1)(A) provides that the maximum water use allowed for water closets and toilets, other than blowout toilets, manufactured after January 1, 1994, is 1.6 gallons per flush; and

WHEREAS, the Board of County Commissioners of Manatee County desires to establish financial incentives to assist current customers in installing ultra low flow toilets in place of high flow toilets; and

WHEREAS, the Board of County Commissioners of Manatee County finds that such financial incentives are consistent with and implement objectives and policies of the 2020 Manatee County Comprehensive Plan and the Energy Policy Act of 1992; and

WHEREAS, the Board of County Commissioners of Manatee County finds that the expenditure of county funds for such financial incentives to conserve potable water promotes the health, safety, and general welfare of the people of the county and serves a paramount public purpose; and

WHEREAS, any benefit to the customers of the Manatee County Public Utilities System receiving such financial incentives will be incidental in nature and is not intended as an impermissible lending of the county's credit; and

WHEREAS, Manatee County Resolution No. R-96-21, as amended and supplemented (the "Bond Resolution"), provides that the county may establish classes and subclasses of users of the Manatee County Public Utilities System if the Board of County Commissioners finds a rational basis which would further the health, safety or welfare of the residents of the county; and

WHEREAS, the Board of County Commissioners of Manatee County finds that all

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eligible customers as described in section 6 of this resolution receiving financial incentives constitute a separate and distinct class of users of the Manatee County Public Utilities System since such users further the public purpose of conserving the county's potable water supply, which conservation efforts further the health and welfare of all residents of the county; and

WHEREAS, the Board of County Commissioners of Manatee County has determined that it is in the best interest of the county to establish the financial incentives as provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Recitals. The above recitals are adopted by the Board of County Commissioners as findings of the county and are incorporated herein by reference.

Section 2. Purpose. Indoor water conservation financial incentives are hereby established for the purpose of providing assistance to eligible customers who install ultra low flow toilets in place of high flow toilets.

Section 3. Definitions. As used in this resolution, the following words and terms shall have the following meanings unless a different meaning clearly appears from the context:

a. Commercial shall mean the retail service classification for commercial established in the county utility rate resolution.

b. Consumption quantity shall mean the total quantity of potable water used as shown on monthly utility bills from the county.

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c. Contractor shall mean a general contractor, building contractor, residential contractor, or plumbing contractor as defined in Section 489.105, Florida Statutes.

d. County shall mean Manatee County, Florida, a political subdivision of the State of Florida.

e. County administrator shall mean the administrator of the county or the county administrator's designee.

f. Customer shall mean the owner or owners of real property, as recorded on the county ad valorem tax rolls, served by the county public utilities system. The term shall include customers within the cities of Anna Maria, Bradenton Beach and Holmes Beach, but shall exclude property served directly by the City of Bradenton, City of Palmetto, Town of Longboat Key, and Sarasota County.

g. Documented cost shall mean expenses incurred by the customer in parts, materials and labor to purchase, install and replace the toilet as documented by copies of paid receipts.

h. Dwelling unit shall have the same definition as provided in the county utility rate resolution.

i. High flow toilet shall mean a toilet with a minimum capacity of 3.5 gallons per flush.

j. Industrial shall mean the retail service classification for industrial established in the county utility rate resolution.

k. Licensed contractor shall mean a certified contractor or registered contractor as defined in Section 489.105, Florida Statutes.

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l. Multifamily residential shall mean the retail service classification for residential, multifamily, established in the county utility rate resolution.

m. Single-family residential shall mean the retail service classification for residential, single-family, established in the county utility rate resolution.

n. Ultra low flow toilet shall mean a toilet with a maximum capacity of 1.6 gallons per flush and which contains the labeled or stamped ASME/ANSI standard.

o. Unit shall mean a dwelling unit or structure served by an individual meter and defined as single-family residential, multifamily residential, commercial, or industrial.

p. Utility account shall mean an account with the county which includes consumption quantity for potable water.

Section 4. Administration. The county administrator is authorized to administer the financial incentives established by this resolution. In the sole discretion of the county administrator, rebates may be paid by county checks issued to or may be applied as credits on utility accounts for eligible customers who comply with the requirements of this resolution.

Section 5. Funding. The financial incentives shall be funded by revenues derived from the county public utilities system after all current obligations under the Bond Resolution have been satisfied. No county funds payable from tax revenues shall be expended or used for any financial incentives established by this resolution. The provision of financial incentives by the county in the manner described in this resolution does not constitute a debt of the county within the meaning of any constitutional or statutory prohibition. Neither the taxing power nor the full faith and credit of the county is pledged

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in any way to provide the financial incentives contemplated under this resolution. The county may discontinue the financial incentives established by this resolution sixty (60) days after publishing notice in a newspaper of general circulation in the county of the county's intent to discontinue the financial incentives.

Section 6. Eligibility.

a. Eligibility for the financial incentives is limited to all single-family residential, multifamily residential, commercial, and industrial potable water customers whose units have one (1) or more high flow toilets and who own the property where potable water service is delivered. Eligible customers may receive rebates for a maximum of two (2) toilets per unit as described in section 7 of this resolution, provided that the application for all rebates is submitted at the same time and the toilets which qualify for the rebates are installed within three hundred sixty-five (365) calendar days from the date of approval of the application by the county administrator. An eligible customer may submit only one (1) application for rebates for each utility account in the eligible customer's name.

b. Except as otherwise provided in this subsection, a licensed contractor shall be responsible for installation and replacement of any toilet under this resolution. Owners of property may install toilets in single-family residences on such property for the use of such owners if such property is not offered for sale or lease. For the purpose of this subsection, the term "owners of property" includes the owner of a mobile home situated on a leased lot.

c. Rebates are subject to the following conditions:

(1) Verification that the toilet being replaced is a high flow toilet;

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- (2) Confirmation that the replacement toilet is an ultra low flow toilet;
- (3) Inspection of the replacement toilet by the county to ensure that the toilet has been installed and completed; and
- (4) Proof that the high flow toilet is ready for disposal.

Section 7. Incentives. Any eligible customer who installs an ultra low flow toilet in place of a high flow toilet may receive a rebate of \$100.00 and a low flow shower head free of charge for each toilet replaced not to exceed two (2) toilets per unit. To receive the toilet rebate, eligible customers must:

- a. Purchase the ultra low flow toilet after the effective date of this resolution;
- b. Submit a completed application;
- c. Submit copies of all paid receipts for the documented cost; and
- d. Submit the name, address, telephone number, and contractor license number of the licensed contractor who installed the toilet, if applicable.

Section 8. Conflicting Resolutions. All conflicting resolutions are hereby repealed, rescinded, superseded and replaced by this resolution.

Section 9. Severability. In the event that any provision, portion or section of this resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining provisions, portions or sections of this resolution which shall remain in full force and effect.

Section 10. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the 23<sup>rd</sup> day of January, 2007.



BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

By: *Andy Sturis*  
Chairman

ATTEST: R. B. Shore  
Clerk of the Circuit Court

By: *Jessie Levine*  
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