

RESOLUTION NO. R-23-029

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING RESOLUTION NO. R-05-261; REVISING THE WATER CONSERVATION FINANCIAL INCENTIVES; PROVIDING RECITALS; PROVIDING PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR FUNDING; PROVIDING ELIGIBILITY; REVISING 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 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 3.2.3.2 of the Conservation Element of the Manatee County Comprehensive Plan provides for the County to require all new development to use the lowest quality of available water which adequately and safely meets their water use needs

by requiring stormwater reuse, alternative irrigation sources, reclaimed water use, and gray water irrigation systems where feasible; and

WHEREAS, Policy 9.4.4.6 of the Drainage & Groundwater Sub-Element of the Manatee County Comprehensive Plan provides for the County to require new development to provide irrigation from non-potable sources whenever possible, which may include water from stormwater retention/detention areas or other natural storage areas; and

WHEREAS, Policy 9.4.4.9 of the Drainage & Groundwater Sub-Element of the Manatee County Comprehensive Plan provides for the County to require the design and use of stormwater retention/detention facilities as sources of water for landscaping irrigation; and

WHEREAS, Objective 9.6.1 of the Water Supply Sub-Element of the 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, Policy 9.6.1.3 of the Water Supply Sub-Element of the Manatee County Comprehensive Plan provides for the County to prohibit the use of potable water for landscape irrigation in new development; and

WHEREAS, the Board of County Commissioners of Manatee County has adopted resolutions establishing a water conserving rate structure; and

WHEREAS, the Board of County Commissioners of Manatee County desires to revise the financial incentives to assist current customers in converting from potable water

use for landscape irrigation to alternative landscapes or non-potable sources of irrigation water; 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 Manatee County Comprehensive Plan; 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 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, on October 25, 2005, the Board of County Commissioners of Manatee County adopted Resolution No. R-05-261, which revised financial incentives allowing for a broader base of customers to convert from potable water use for landscape irrigation to alternative landscapes or non-potable sources of irrigation water; and

WHEREAS, the Board of County Commissioners of Manatee County desires to further amend and revise the financial incentives established in Resolution No. R-05-261 to reflect current technology, adjust rebate amounts to reflect current prices and revise participants' qualifications to maximize potable water conservation; and

WHEREAS, the Board of County Commissioners of Manatee County has determined that it is in the best interest of the County to amend the previous financial incentives as set forth 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 Manatee County Board of County Commissioners as findings of the County and are incorporated herein by reference.

SECTION 2. PURPOSE. Water conservation financial incentives are hereby amended for the purpose of revising the program that provides assistance to eligible customers who convert from potable water use for landscape irrigation to alternative

landscapes or non-potable sources of irrigation water.

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. Backflow prevention device shall have the same meaning as defined in Section 2-31-142, Manatee County Code of Ordinances.

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

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

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

e. Cross connection shall have the same meaning as defined in Section 2-31-142, Manatee County Code of Ordinances.

f. Customer shall mean the owner or owners of real property, as recorded on the County ad valorem tax rolls, served by the County's public utilities system either with an existing retail irrigation meter or an existing retail single meter service. 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. District shall mean the Southwest Florida Water Management District.

h. Documented cost shall mean expenses incurred by the customer in parts, materials and labor to purchase, install, repair, retrofit and replace the device, equipment, system and/or landscape as documented by copies of paid receipts.

i. Evapotranspiration sensor irrigation control device shall mean a device that uses sensors to measure solar radiation, air temperature, and relative humidity, and calculate the daily Evapotranspiration factor (ET) representing the amount of water lost by turf and landscape due to local climate conditions, which needs to be replaced by irrigation.

j. Extension service shall mean the University of Florida/Manatee County Cooperative Extension Service.

k. Irrigation system shall mean permanently installed underground turf or landscape watering equipment using automatic on/off controls.

l. Rain shut-off technology shall mean an irrigation shutoff device that uses sensors to override the scheduled irrigation when a sensor on the shutoff device detects water.

m. Soil moisture irrigation control device shall mean a device that uses sensors to detect the amount of moisture in the ground beneath the landscape, and overrides scheduled irrigation when sufficient moisture is present.

n. Utility account shall mean an account with the County which includes consumption quantity for potable water.

o. Well shall have the same meaning as defined in Section 373.303, Florida Statutes.

SECTION 4. ADMINISTRATION. The County administrator is authorized to administer the financial incentives amended 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's 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 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. Eligibility for the financial incentives is limited to all residential and non-residential customers who currently irrigate with potable water and whose average consumption quantity exceeded 8,500 gallons per month for the 2-year

period immediately preceding the application date. Eligible customers may apply for and receive more than one (1) rebate described in subsection 7.a through subsection 7.h of this Resolution, provided that: (a) the total amount of all rebates shall not exceed \$2,500.00 per utility account or a combined amount of \$3,500.00 if an irrigation well rebate is included; (b) no application is for a rebate previously received; and (c) the projects which qualify for the rebates are completed within three hundred sixty-five (365) calendar days from the date of approval of the projects by the county administrator. Rebates are subject to the following conditions:

a. Verification that a backflow prevention device(s) has been installed, registered on the eligible customer's potable water meter(s) and in full compliance with the Manatee County Code of Ordinances, Chapter 2-31;

b. Confirmation that no cross connections are present on any of the eligible customer's water lines; and

c. Inspection and approval by the extension service to ensure that all recommended improvements have been installed, repaired, replaced, planted, implemented and completed.

d. Installation of rain shut-off technology which may include but is not limited to: a rain sensor irrigation shut-off device, a soil moisture sensor or an evapotranspiration-based irrigation control device.

SECTION 7. INCENTIVES.

a. Alternative water source rebate. Any eligible customer who installs a pump

and associated equipment for connection to a lake, stormwater retention/detention area, or other natural storage area for use as an alternative source in place of potable water for irrigation may receive a rebate of 50% of the documented cost not to exceed \$1,000.00. To receive the alternative water source rebate, eligible customers must obtain any required permits from the county and/or the district and must comply with all applicable codes, permit conditions, and requirements. The irrigation system must be permanently disconnected from the potable water source and all prior points of connection capped.

b. Irrigation well rebate. Any eligible customer who installs a new well for use in place of potable water for irrigation may receive a rebate of 50% of the documented cost not to exceed \$2,500.00 per irrigation well and not to exceed \$3,500.00 in total amount for outdoor water conservation rebates per property. To receive the irrigation well rebate, eligible customers must obtain any required permits from the county and/or the district, must have working rain shut-off technology, and must comply with all applicable codes and permit conditions and requirements. The irrigation system must be permanently disconnected from the potable water source and all prior points of connection capped.

c. Rain shut-off technology rebate.

i. Rain sensor rebate. Any eligible customer who installs a rain sensor irrigation shut-off device on the entire irrigation system may receive a rebate of 100% of the documented cost not to exceed \$150.00. To receive the rain sensor rebate, eligible customers must have the rain sensor irrigation shut-off devices approved by the extension service prior to installation and the irrigation systems and landscaping evaluated at no cost

by the extension service following installation of the devices.

ii. Soil moisture sensor control rebate. Any eligible customer who installs a soil moisture sensor irrigation control device on the entire irrigation system may receive a rebate of 100% of the documented cost not to exceed \$500.00. To receive the soil moisture sensor control rebate, eligible customers must have the device approved by the extension service prior to installation and the irrigation systems and landscaping evaluated at no cost by the extension service following installation of the devices.

iii. Evapotranspiration control rebate. Any eligible customer who installs an evapotranspiration-based irrigation control device on the entire irrigation system may receive a rebate of 100% of the documented cost not to exceed \$150.00. To receive the rebate, eligible customers must have the evapotranspiration-based irrigation control device approved by the extension service prior to installation and the irrigation systems and landscaping evaluated at no cost by the extension service following installation of the devices.

d. Irrigation system repair/replacement rebate. Any eligible customer who repairs or replaces the irrigation system may receive a rebate of 50% of the documented cost not to exceed \$1,500.00. The repaired or new system must separate turf and landscape bed irrigation zones, use low-volume irrigation systems for the landscape bed irrigation zones, and contain a properly installed and operational rain shut-off technology approved by the extension service. To receive the irrigation system repair/replacement rebate, eligible customers must:

- (1) Have the irrigation systems and landscaping evaluated at no cost by the extension service prior to repair or replacement of the irrigation system;
- (2) Attend one (1) educational workshop on irrigation systems presented by the extension service;
- (3) Implement all recommendations made by the extension service to repair, replace and/or retrofit the irrigation system following the initial evaluation;
- (4) Have the irrigation systems and landscaping re-evaluated at no cost by the extension service immediately after completion of the irrigation system repair or replacement;
- (5) Ensure all new irrigation parts are labeled WaterSense.
- (6) Submit copies of all paid receipts;
- (7) Submit copies of the certificate of completion of the required educational workshop; and
- (8) Agree to follow-up evaluation of the irrigation systems and landscaping at no cost by the extension service twelve (12) months after completion of the irrigation system repair or replacement.

e. Landscape retrofit rebate. Any eligible customer who retrofits the existing landscaping may receive a rebate of 50% of the documented cost not to exceed \$1,500.00. Eligible customers may either design their own landscape plans or retain licensed landscape architects or certified landscape designers to design the landscape plans. All landscape plans must be reviewed and approved by the extension service prior to

commencement of the landscaping retrofit. Only \$150.00 of the landscape retrofit rebate may be used to pay for design of the landscape plans, and the remainder of the landscape retrofit rebate must be used for landscape materials. The landscape retrofit must include repair /replacement of the irrigation system, which must contain a properly installed and operational rain shut-off technology approved by the extension service. To receive the landscape retrofit rebate, eligible customers must:

- (1) Have the irrigation systems and landscaping evaluated at no cost by the extension service prior to retrofit of the landscaping;
- (2) Attend two (2) educational workshops; one (1) on irrigation systems and one (1) on Florida landscapes, presented by the extension service;
- (3) Implement all recommendations made by the extension service to retrofit the landscaping following the initial evaluation;
- (4) Plant all landscape materials in accordance with the landscape plans approved by the extension service;
- (5) Have the irrigation systems and landscaping re-evaluated at no cost by the extension service immediately after completion of the landscaping retrofit;
- (6) Submit copies of all paid receipts;
- (7) Submit copies of the certificates of completion of the required educational workshops; and
- (8) Agree to follow-up evaluation of the irrigation systems and landscaping at no cost by the extension service twelve (12) months after completion of the

landscaping retrofit.

f. Connection to reclaimed water. Any eligible customer who connects to an existing reclaimed water line for use in place of potable water for irrigation may receive a rebate of 50% of the documented cost not to exceed \$1,000.00. To receive the rebate for connection to reclaimed water, eligible customers must obtain any required permits from the county and/or the district, must have a working rain shut-off technology and must comply with all applicable codes and permit conditions and requirements. The irrigation system must be permanently disconnected from the potable water source and all prior points of connection capped.

g. WaterSense labeled smart irrigation controller. Any eligible customer who installs a WaterSense labeled smart irrigation controller approved by the extension service may receive a rebate of 50% of the documented costs up to \$500.00. To receive the WaterSense labeled smart irrigation controller rebate, eligible customers must:

- (1) Have the irrigation systems and landscaping evaluated at no cost by the extension service prior to installation of new irrigation controller;
- (2) Have WaterSense labeled smart irrigation controller approved by the extension service prior to installation;
- (3) Have working rain shut-off technology;
- (4) Have the irrigation systems and landscaping re-evaluated at no cost by the extension service following installation of the device;
- (5) Submit copies of all paid receipts;

(6) Agree to follow-up evaluation of the irrigation systems and landscaping at no cost by the extension service twelve (12) months after completion of the rebate.

h. Rain barrels. The county is authorized to purchase rain barrels and/or rain barrel fabrication kits for resale at cost plus applicable tax to any county resident for use in place of potable water for irrigation.

SECTION 8. CONFLICTING RESOLUTIONS. All conflicting resolutions, including but not limited to Resolution No. R-05-261, 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 28th day of March, 2023.

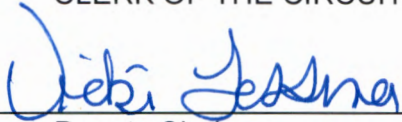


**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: 
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____



Deputy Clerk