

RESOLUTION NO. R-03-53

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING 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 3.2.3.2 of the Conservation Element of the 2020 Manatee County Comprehensive Plan provides for the county to require all water users 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 Sub-Element of the 2020 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

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WHEREAS, Policy 9.4.4.9 of the Drainage Sub-Element of the 2020 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 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, Policy 9.6.1.3 of the Water Supply Sub-Element of the 2020 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 increasing utility rates for use of potable water for irrigation; and

WHEREAS, the Board of County Commissioners of Manatee County desires to establish 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 2020 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

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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, 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. Water conservation financial incentives are hereby

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established for the purpose of providing 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. Cistern shall mean an above-ground tank or a below-ground tank for storing fresh water for irrigation purposes, typically tied into the roof drainage system of a structure or other source of non-potable fresh water.
- c. Consumption quantity shall mean the total quantity of water used as shown on monthly utility bills from the county.
- 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. Cross connection shall have the same meaning as defined in Section 2-31-142, Manatee County Code of Ordinances.
- g. 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 either with an existing retail irrigation meter or an existing retail single meter service. The term shall

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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.

h. District shall mean the Southwest Florida Water Management District.

i. 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.

j. Extension service shall mean the county cooperative extension service.

k. 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 established by this resolution. In the sole discretion of the county, 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 in any way to provide the financial incentives contemplated under this resolution. The

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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 with average consumption quantity exceeding 10,000 gallons per month in any six (6) month period prior to the date of adoption of this resolution and whose existing irrigation systems contributed to such excess consumption. Eligible customers may combine one (1) or more rebates described in subsection 5.a through subsection 5.e of this resolution, provided that the total amount of all rebates shall not exceed \$1,000.00 per eligible customer. Rebates are subject to the following conditions:

- a. Verification that a backflow prevention device has been installed and registered on the eligible customer's primary potable water meter;
- b. Confirmation that no cross connections are present on any of the eligible customer's water lines; and
- c. Inspection and approval by extension service representatives to ensure that all improvements have been installed, repaired, retrofitted, replaced, planted, implemented and completed.

Section 7. Incentives.

- a. Cistern rebate. Any eligible customer who installs a cistern system with a minimum storage capacity of 2,500 gallons for rainfall or supplemental source capture (air conditioner condensate, pool overflow, water table collection system flow, etc.) for use in

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place of potable water for irrigation may receive a rebate of 50% of the documented cost not to exceed \$500.00. To receive the cistern rebate, eligible customers must obtain any required permits from the county and must comply with all applicable codes and permit conditions and requirements.

b. 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 \$500.00. 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 and permit conditions and requirements.

c. Irrigation well rebate. Any eligible customer who installs a new well or repairs an existing inoperative well for use in place of potable water for irrigation may receive a rebate of 50% of the documented cost not to exceed \$500.00. To receive the irrigation well rebate, eligible customers must obtain any required permits from the county and/or the district and must comply with all applicable codes and permit conditions and requirements.

d. Landscape irrigation system rebate.

(1) Any eligible customer who modifies or replaces the existing landscape irrigation system may receive a rebate by implementing any of the following options:

(a) Any eligible customer who installs a rain shut-off device or a moisture sensing control device on the irrigation system may receive a rebate

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of 50% of the documented cost not to exceed \$50.00. This option may be combined with option (b) or option (c) below.

- (b) Any eligible customer who repairs and/or retrofits the irrigation system may receive a rebate of 50% of the documented cost not to exceed \$250.00. The repaired and/or retrofitted system must separate turf and landscape bed irrigation zones, use low-volume irrigation systems for the landscape bed irrigation zones, and provide separately controlled irrigation zones. This option may be combined with option (a) above.
 - (c) Any eligible customer who replaces the irrigation system may receive a rebate of 50% of the documented cost not to exceed \$500.00. The new system must separate turf and landscape bed irrigation zones, use low-volume irrigation systems for the landscape bed irrigation zones, maintain proper coverage of the turf irrigation zones, and provide separately controlled irrigation zones. This option may be combined with option (a) above.
- (2) Eligible customers must attend one (1) educational workshop presented by the extension service, have the irrigation systems evaluated at the beginning of the project and re-evaluated at the completion of the project, and implement the recommendations of the irrigation system evaluations. To receive the landscape irrigation system rebate, eligible customers must:
- (a) Submit copies of all paid receipts; and

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- (b) Submit copies of certificates of completion of the required educational workshop.
- e. Landscape retrofit rebate.
 - (1) Any eligible customer who modifies the existing landscape may receive a rebate by implementing either of the following options:
 - (a) Eligible customers must attend an orientation and three (3) educational workshops presented by the extension service. Eligible customers must design their own landscape plans, which must be reviewed and approved by extension service representatives. Eligible customers must have the irrigation systems evaluated at the beginning of the project and re-evaluated at the completion of the project. Eligible customers must repair and/or retrofit the irrigation systems, install rain gauges and rain shut-off devices or moisture sensing control devices, and plant landscape materials in accordance with the plans.
 - (b) Eligible customers must attend an orientation and two (2) educational workshops presented by the extension service. Eligible customers must retain licensed landscape architects to design the landscape plans, which must be reviewed and approved by extension service representatives. Eligible customers may request irrigation system evaluations at the beginning of the project and must have the irrigation systems evaluated at the completion of the project. Eligible

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customers must repair and/or retrofit the irrigation systems, install rain gauges and rain shut-off devices or moisture sensing control devices, and plant landscape materials in accordance with the plans. A portion of the rebate not to exceed \$100.00 may be used to offset the cost of the landscape plans, and the remainder of the rebate must be used for irrigation system repair and/or retrofit and purchase of plant materials.

(2) Upon approval of the landscape plans under either option (a) or option (b) above, installation of plant materials, evaluation, repair and/or retrofit of the irrigation system, and completion of the educational workshops, any eligible customer may receive a rebate not to exceed \$500.00 for 50% of the documented cost of designing the landscape plans, repairing and/or retrofitting the irrigation system, and purchasing the plant materials. The total rebate of \$500.00 includes the amount of \$100.00 for reimbursement of the plans designed by the landscape architect. To receive the landscape retrofit rebate, eligible customers must:

- (a) Submit landscape and irrigation plans;
- (b) Submit copies of all paid receipts;
- (c) Submit copies of certificates of completion of the required educational workshops; and
- (d) Agree to monitoring by extension service representatives at three (3), six (6), nine (9) and twelve (12) months after the landscape

modifications.

f. 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 eligible customer for use in place of potable water for irrigation.

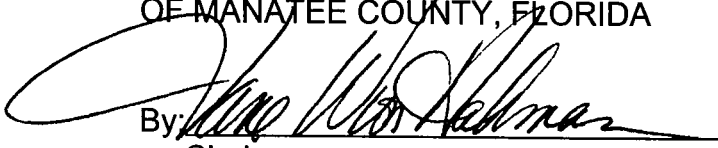
Section 8. Conflicting Resolutions. All conflicting resolutions are hereby repealed, rescinded, superseded and replaced by this resolution.

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.

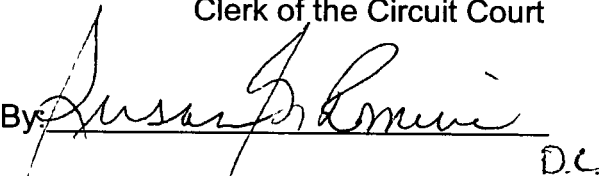
Section 10. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the 25th day of March, 2003.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: 
1st Vice - Chairman

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

By: 
D.C.

