



Fulton County Board of Commissioners
Agenda Item Summary

20-0214

BOC Meeting Date
3/18/2020

Requesting Agency

Public Works

Commission Districts Affected

1, 2

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Request approval of a Memorandum of Agreement ("MOA") between Fulton County, Georgia, on behalf of the Department of Public Works, and the Metropolitan North Georgia Water Planning District (MNGWPD) for continued participation in the District-wide Single-Family Residential Toilet Retrofit program in the total amount of \$50,000 for one year, effective upon execution. The County Attorney is authorized to approve the MOA as to form and to make modifications thereto as necessary prior to execution.

Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*

Emergency Water Conservation Measures (Board Item #07-0889) outlined a three-phased plan designed to encourage customers to reduce water usage. In addition to the three-phased plan, the Board agreed to participate in the toilet retrofit rebate program.

Is this Item related to a Strategic Priority Area? *(If yes, note strategic priority area below)*

Yes Health and Human Services

Is this a purchasing item?

No

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Scope of Work:

The current program provides either \$50 or \$100 rebates to homeowners who replace existing high-water-use toilets with 1.28-gallon-per-flush (gpf) or less toilets that have also received the EPA WaterSense certification. Each high-efficiency toilet (HET) using 1.28 gpf will have a maximum rebate face value of \$50.00 and each ultra-high-efficiency toilet (UHET) using 1.1 gpf or less will have a maximum rebate face value of \$100.00 per toilet. Each qualifying homeowner is allowed a maximum rebate of \$200. The Toilet Retrofit Program is administered by the MNGWPD and is a part of the Emergency Water Conservation Measures that were approved by the Board on November 7, 2007.

On April 10, 2019, the Board of Commissioners approved the 12th Memorandum of Agreement with the MNGWPD (Board Item # 19-0257) allowing for Fulton County's continued participation in the District-wide residential toilet retrofit program. Under the 2019 MOA, Fulton County rebated 486 toilets, expended \$38,010 in total program costs and realized estimated daily water savings of over 8,701 gallons. The 2020 MOA represents the 13th year Fulton County participated in this program.

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

Community Impact:

Since the start of the program, Fulton County has issued 7,167 rebates totaling \$702,895 and has saved an estimated 121,904 gallons per day in water in water usage for the County. Continued participation in the Program would allow Public Works the ability to provide customers with incentives to encourage water conservation and assist in meeting the MNGWPD's goal of 11% reduction in per capita water usage by 2030.

Department Recommendation:

The Department of Public Works recommends approval of a MOA for continued participation in the District-wide Single-family Toilet Retrofit program with the MNGWPD.

Project Implications:

Discontinuation of the Program could potentially impact Public Works' ability to meet the MNGWPD's goal of 11% reduction in per capita water usage by 2030. Additionally, the implementation of a program to replace older, inefficient toilets with WaterSense labeled high efficiency toilets in single- and multi-family home is a requirement of the MNGWPD Water Resource Management Plan.

Community Issues/Concerns:

The Department of Public Works is not aware of any issues/concerns raised by the community.

Department Issues/Concerns:

The Department of Public Works does not have any issues or concerns with the agreement.

History of BOC Agenda Item: Yes.

Item nos. #08-0196 (February 20, 2008); 09-0421 (April 15, 2009); 10-0271 (March 3, 2010); 11-0191 (March 2, 2011); 12-0215 (March 21, 2012); 13-0245 (April 5, 2013); 14-0225 (April 2, 2014); 15-0227 (March 18, 2015); 16-0116 (February 17, 2016); 17-0222 (March 15, 2017); 18-0105 (February 21, 2018); 19-0257 (April 10, 2019)

Contract & Compliance Information

(Provide Contractor and Subcontractor details.)

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

20-0214

Solicitation Information	NON-MFBE	MBE	FBE	TOTAL
No. Bid Notices Sent:				
No. Bids Received:				
Total Contract Value	.			
Total M/FBE Values	.			
Total Prime Value	.			
Fiscal Impact / Funding Source <i>(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)</i> 201-540-5401-1160: Water & Sewer Revenue Fund, Public Works, Professional Services - \$50,000.00				
Exhibits Attached <i>(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)</i> Exhibit 1: Memorandum of Agreement Exhibit 2: MNGWPD Water Resource Management Plan, WSWC-6: Toilet Replacement Program				
Source of Additional Information <i>(Type Name, Title, Agency and Phone)</i> Corlette Banks , Environmental Program Manager, Public Works, 404-612-8097				

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

Continued

Procurement

Contract Attached: Yes	Previous Contracts: Yes
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Solicitation Number: N/A	Submitting Agency: Public Works	Staff Contact: Corlette Banks	Contact Phone: 404-612-8097
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Description: Memorandum of Agreement between Fulton County and the Metropolitan North Georgia Water Planning District (MNGWPD) - Single-Family Residential Toilet Retrofit Program.

FINANCIAL SUMMARY

Total Contract Value:	MBE/FBE Participation:
Original Approved Amount: .	Amount: . %: .
Previous Adjustments: .	Amount: . %: .
This Request: . \$50,000.00	Amount: . %: .
TOTAL: . \$50,000.00	Amount: . %: .

Grant Information Summary:	
Amount Requested: .	<input type="checkbox"/> Cash
Match Required: .	<input type="checkbox"/> In-Kind
Start Date: .	<input type="checkbox"/> Approval to Award
End Date: .	<input type="checkbox"/> Apply & Accept
Match Account \$: .	

Funding Line 1: 201-540-5401-1160	Funding Line 2: .	Funding Line 3: .	Funding Line 4: .
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KEY CONTRACT TERMS

Start Date: .upon approval	End Date: 12/31/2020
Cost Adjustment: .	Renewal/Extension Terms: .

ROUTING & APPROVALS

(Do not edit below this line)

X	Originating Department:	Clark, David	Date: 3/8/2020
X	County Attorney:	Stewart, Denval	Date: 3/8/2020
.	Purchasing/Contract Compliance:	.	Date: .
X	Finance/Budget Analyst/Grants Admin:	Freeman, Ashley	Date: 2/13/2020
.	Grants Management:	.	Date: .
X	County Manager:	Anderson, Dick	Date: 3/9/2020

**MEMORANDUM OF AGREEMENT
FOR PARTICIPATION IN THE DISTRICT-WIDE TOILET RETROFIT PROGRAM**

THIS AGREEMENT is made and entered into as of this _____ day of _____ 2020, by and between, _____ (hereinafter referred to as the “Utility”) and the Metropolitan North Georgia Water Planning District (hereinafter referred to as the “District”).

WITNESSETH:

WHEREAS, the Utility is responsible for developing and implementing a water conservation program within its service area; and

WHEREAS, the District will coordinate and manage a District-wide Toilet Retrofit Program (“the Program”) for single family residential customers by providing administrative services as stated in Duties of the District and

WHEREAS, the Utility desires to participate in the District-wide Program.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, and for other good and valuable consideration, the parties hereto agree as follows:

1. Duties of the Utilities

- a. Follows the administrative procedures developed by the District for the management of the program.
- b. Receives weekly notifications from the District of rebates to be processed and issue rebate credits to customers in a timely manner.
- c. Upon receipt of notification by the District of a customer’s eligibility for the toilet rebate, the Utility will respond to the District within 5 business days with notification of acceptance or rejection of each eligible customer and the reason for rejection.
- d. Answers customer questions about the status of their rebate credits (once their confirmation letters have been received).
- e. Agrees to pay District the processing fee for each toilet approved for rebate.
- f. Promotes the program through link on Utility websites, bill inserts, mailers, and/or other forms of communication.
- g. Verification of toilet installation is optional but would be the responsibility of the Utility.

2. Duties of the District

- a. Provides administrative services to process the rebate applications.
- b. Maintains a website, application form, and reporting database for utilities.

- c. Maintains a telephone number and email address for customer questions about the program and processing applications.
- d. Mails or makes available applications to single family residential customers only.
- e. Receives rebate application from customer and verifies eligibility. Eligibility is determined based on date of home construction, receipt of original toilet purchase receipt, copy of recent water bill in name of applicant and confirmation of eligible toilet model.
- f. Notifies the Utility of rebate amount to credit customer.
- g. Sends a confirmation/rejection letter to each customer.
- h. Provides management reports for Utilities to access on a regular basis.
- i. Invoices the Utility for the \$10.00 administrative fee for each toilet approved for rebate.
- j. Maintains billing accounts and financial records for three years after the completion of this Agreement and provide periodic status updates to the Utilities.
- k. Provides periodic invoices to each participating Utility for administrative fees.

3. Costs Paid by the Utility

The Utility hereby agrees to provide funding of \$_____ for this program for the term of the agreement unless the agreement is terminated at which time the Utility would fund any applications that have been approved by the District and Utility prior to termination. Funding is the total annual amount allocated by the Utility for rebate and administration fees for the term of this Agreement. In the event the Utility meets the previously stated funding amount prior to the expiration of this Agreement, the Utility is no longer obligated to provide rebates or administration fees. The Utility further agrees that the District will only process rebates for toilets that have received the EPA WaterSense label. Each ultra-high-efficiency toilet (UHET) using 1.1 gpf or less will have a maximum rebate face value of \$100.00 per toilet. Each high-efficiency toilet (HET) using 1.28 gpf will have a maximum rebate face value of \$50.00 per toilet. Additionally, the Utility agrees that an administrative charge of \$10.00 for each toilet approved for rebate will be charged. A customer can only receive two toilet rebates per property.

4. Payment Method

Utility will pay the \$10.00 administrative fee for each toilet approved for rebate to the District through periodic billings. Rebates will be issued by the Utility to participating Utility customers until the allotted rebate amount for the Utility is exhausted. The Utility may add additional funding at any time during their program participation by amending this Agreement.

5. Term

This Agreement shall become effective as of the date first written above and shall continue in full force and effect until funds depleted. Either party may terminate this Agreement without cause by providing the other party written notice sixty (60) days prior

to termination. This Agreement may be amended upon agreement of the parties. In the event of such termination, the Utility shall be obligated to pay all issued rebates and administrative costs associated with rebates approved prior to such termination.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the date and year first above written.

Tonya R. Grier
Fulton County
Interim Clerk to the Commission

Robert L. Pitts, Chair
Fulton County
Board of Commission

By: _____

Title: Chairperson

METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT

ACTION ITEM

WSWC-6: TOILET REPLACEMENT PROGRAM

Intent	Responsible Party	In Coordination With
To reduce indoor water use and speed the conversion of older, inefficient toilets toward WaterSense labeled high-efficiency toilets in single- and multi-family homes.	Local Water Provider	Local Government Local Wastewater Provider
Points of Integration This measure should result in decreased water demands, as well as decreased wastewater flows.		

Action Item: Implement a program to replace older, inefficient toilets with WaterSense labeled high-efficiency toilets in single- and multi-family homes.

Sub-Tasks: Each local water provider shall:

1. Establish a program to replace 3.5 gpf or greater toilets in single- and multi-family homes constructed prior to 1994 with high-efficiency WaterSense labeled toilets.
2. Provide information on opportunities to recycle any toilet being discarded pursuant to the toilet replacement program by linking to the Metro Water District website or other local resources.

Description: Single- and multi-family homes built prior to 1994 may contain inefficient toilets. While new toilets meet high efficiency standards, the replacement of older, inefficient toilets is needed to address existing stock and reduce indoor water use.

Implementation Guidance: Before the 1950s, new toilets typically used 7 gpf. By the end of the 1960s, new toilets typically used 5.5 gpf; in the 1980s, new toilets typically used 3.5 gpf. The federal Energy Policy Act of 1992 required all new toilets use no more than 1.6 gpf by 1994. In 2010 the Georgia Water Stewardship Act required that local governments adopt or amend local ordinances to require, among other things, that all new construction, on or after July 1, 2012, use WaterSense labeled toilets. WaterSense is a voluntary program of the EPA designed to identify and promote water efficient products and practices. WaterSense labeled toilets are independently certified to meet rigorous criteria for both performance and efficiency.

This Action Item calls for a program to replace toilets in single and multifamily homes constructed prior to 1994 with WaterSense labeled toilets. As of the date of this Plan, the WaterSense efficiency criteria is 1.28 gpf or less for toilets, and in the future, the WaterSense label may become more stringent. If a more stringent criterion is adopted, it will apply as of the date of its adoption for the purposes of this Plan.

The toilet replacement program must specifically address toilet replacement rather than provide toilet retrofit devices. Examples of acceptable toilet replacement programs include the following:

- Rebate incentive program: Customer receives a water bill credit, cash or voucher to offset the cost of a new WaterSense labeled toilet to be installed in a pre-1994 single- or multi-family home.
- Direct install program: Customer exchanges a toilet from pre-1994 single- or multi-family homes for a WaterSense labeled toilet with discounted installation through the local water provider.
- Other: Local water providers may create their own programs as long as the program actually results in the replacement of toilets in pre-1994 single- and multi-family homes. These programs may take a

variety of forms, including but not limited to on-bill financing programs for toilet replacements and programs requiring that toilets using 3.5 gpf or more be replaced as a condition of a customer establishing water service.

If a local water provider chooses to have a single replacement program covering both single and multi-family homes, funds may be made available on a first come, first served basis.

Due to the high value of rebate programs for multi-family homes, it is recommended that the local water provider include an inspection element in any multi-family rebate program to prevent possible fraud. This can be done through a physical inspection or by reviewing billing data post-installation.

The local water provider should provide information on available toilet recycling opportunities. There are recycling facilities in the region that will recycle crushed porcelain for various uses, such as a concrete aggregate or bathroom tile. Many homeowners may not be aware of recycling options when replacing a toilet.

Considerations for Enhanced Implementation: The optional considerations for enhanced implementation include the following:

- Add an additional requirement that program participants provide documentation or other proof that the replaced toilet uses 3.5 gpf or more, such as requiring a section on the rebate application form for the customer to record the gallons per flush of the old toilet or including a customer self-certification.
- Encourage customers to purchase WaterSense labeled ultra-high-efficiency toilets that use 1.1 gpf or less through a tiered rebate incentive with a higher rebate tier for toilets meeting these standards.
- Limit rebates to only WaterSense labeled ultra-high-efficiency toilets that use 1.1 gpf and discontinue rebates on 1.28 gpf toilets.
- Low-income and disadvantaged customers often live in pre-1994 single- and multi-family homes and spend a greater percentage of their income on utility bills. These customers may experience financial difficulties participating in a rebate incentive program if they cannot afford to purchase the new plumbing fixture before the rebate money is received. A voucher or direct install program for customers with a lower household income would encourage indoor water efficiency in pre-1994 single- and multi-family homes. As an example, the City of Atlanta's Care and Conserve program provides payment assistance to qualified customers.
- Local water providers may also consider placing toilet recycling containers at other local government buildings. The City of Atlanta provides free toilet recycling to its residential water customers at the Center for Hard to Recycle Materials. Gwinnett County Water Resources offers free toilet recycling to its residential customers by providing a recycling container for old toilets at its building. Gwinnett County Water Resources covers the cost of transporting the container to a local recycler. This free service is promoted to customers participating in the toilet replacement program and has kept hundreds of tons of porcelain from the landfill.
- Require recycling for all toilets replaced through the multi-family toilet replacement program. Some local water providers require the customer to agree to transport the used porcelain toilets to an approved recycler within the Metro Water District area. The customer must provide documentation from the recycler that the toilets were disposed properly before the rebate credit will be issued to the account.

Opportunities for Technical Assistance: The Metro Water District's Technical Assistance Program may provide support for implementation of this Action Item through the following types of activities:

- Administering a regional rebate program for single-family homes
- Creating and administering a regional rebate program for multi-family homes
- Offering a regional program for low-income and disadvantaged customers using grant funding
- Developing a regional list of toilet recycling facilities



Resources:

- EPA, WaterSense Toilets, information page, <https://www3.epa.gov/watersense/products/toilets.html>
- Cobb County, toilet recycling information (see Item No. 16), https://cobbcounty.org/index.php?option=com_content&view=article&id=3445&Itemid=1544
- MaP Testing Premium Ultra-High-Efficiency Toilet page, <http://www.map-testing.com/content/info/menu/map-premium.html>