

ORDINANCE NO. 2011-2

**AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA
AMENDING ORDINANCE NO. 2007-15, SECTION 5,
RATES AND CHARGES, OF COLUMBIA
COUNTY AND AMENDING SECTION 118.225,
RATES AND CHARGES, OF THE COLUMBIA
COUNTY CODE OF ORDINANCES
TO ESTABLISH PROCEDURES FOR PROPOSED
BOARD ACTION, STAFF ASSISTED RATE CASES
AND ALTERNATIVE RATE SETTING; PROVIDING
FOR SEVERABILITY; PROVIDING FOR REPEALER;
PROVIDING FOR CODIFICATION; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, On May 3, 2007, the Board of County Commissioners of Columbia County enacted Ordinance No. 2007-15, asserting jurisdiction within Columbia County over investor-owned water, wastewater, and effluent re-use systems, as authorized by Chapter 367, Florida Statutes; and

WHEREAS, Ordinance No. 2007-15 was filed with the Florida Department of State and thereby became effective on May 11, 2007; and

WHEREAS, by its own Order, the Florida Public Service Commission acknowledged rescission of its jurisdiction on that date; and

WHEREAS, the Columbia County Board of County Commissioners desires to amend Ordinance No. 2007-15, Section 5, Rates and Charges, which will amend Section 118-225 of the Columbia County Code of Ordinances, Rates and Charges, to establish procedures for Proposed Board Action, Staff Assisted Rate Cases and Alternative Rate Setting in an effort to reduce the expense of rate adjustments and protect the private utility customer from rate shock while allowing these investor-owned water, wastewater, and effluent re-use systems to remain viable;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. Ordinance No. 2007-15, Section 5 and Section 118-225 of the Columbia County Code of Ordinances, Rates and Charges, are hereby amended as follows:

Rates and charges.

- (a) Except as otherwise provided in this ordinance, a utility may only charge rates and charges that have been approved by the board.
- (b) Any franchisee may apply to the board to establish or change rates, fees and charges, rules and regulations or conditions of service. The application shall specify in detail any changes requested and supply copies of the current tariff, and current tariff modified with the requested changes highlighted. The application shall set forth the relief requested and shall be accompanied by a complete written transcript of any testimony expected to be submitted in support of the pleadings and shall be accompanied by the documentary evidence expected to be offered by the utility. The specific content of such application, including the minimum filing requirements (the "MFRs"), until changed by the rules of the board, are as required or described in this ordinance.
- (c) The board shall set a date for all hearings necessary to dispose of such applications, including public and evidentiary hearings, and shall require the utility to publish notice of such hearings as specified in the rules of the board; except that setting evidentiary hearing dates will be within the authority of a hearing officer if one is appointed.
- (d) The board shall approve, modify or reject the application based on the criteria prescribed in this ordinance within 90 days after receipt of the recommended order from the hearing officer.
- (e) Until changed by rules of the board, all applications for initial rates and all applications for rate adjustments by utilities with a gross annual revenue in excess of \$50,000.00 for water or wastewater service shall include the following minimum filing requirements (MFRs):
 - (1) A statement of financial operations in historical form for the previous three fiscal years and a statement of financial operations for the test year and for the pro forma year at existing and proposed rates;
 - (2) A balance sheet for the test year, for the previous three fiscal years, and for the pro forma year;

- (3) A schedule of existing rates, fees and charges, and of actual revenues and number of customers by rates and by class for the test year and pro forma year at existing and proposed rates;
- (4) A statement of the proposed increases or changes which will result in increases. Such statement shall set forth the proposed rate structure with reasonable clarity and with appropriate rate classification where applicable, including bill comparisons between existing and proposed rates;
- (5) A detailed statement of annualized revenues by class of customers by meter size served by rate applicant at the end of the test year, including the number of customers by class;
- (6) A detailed schedule of all fixed assets needed to serve customers during the test year and pro forma year including their original cost, depreciated costs and an explanation of the depreciation. Such depreciation rates are subject to board review and approval;
- (7) Actual and pro forma expense adjustments with supporting detail set forth by the accounts effected. Such adjustments shall be supported by competent substantial evidence and shall not include estimates based solely on speculation and conjecture;
- (8) A comparative schedule of operation and maintenance expenses in historical form, classified according to the utility's chart of accounts, for the test year and prior three fiscal years;
- (9) A detailed statement of rate case expenses;
- (10) Rate base and rate of return in historical form for the prior three fiscal years, and for the test year and the pro forma year, at existing and proposed rates;
- (11) A schedule of the cost of capital and rate of return;
- (12) Federal income tax calculation for the utility for the test year and pro forma year computed at the present and proposed rates;
- (13) Calculation of state taxes based on income for the test year and pro forma year, computed at both the existing and proposed rate;
- (14) Detailed schedules showing the computation of the property used and useful in the provision of service to the public to arrive at the percentage reduction of rate base for existing capacity. Identify in detail the capacity of the utility system by functional component (treatment, transmission, collection, etc.); and the portions thereof that are used and useful in the provision of service to the public;
- (15) Detailed maps showing the service area of the franchise, lines in the ground and lots served. Lots presently being served and proposed extensions shall be distinguished from lots not presently connected;
- (16) A listing of the utility's connection and extension fees together with a statement of the utility's service extension policy, general rules and regulations, and any proposed changes in any of the foregoing. All such changes are subject to board review and approval;

- (17) A schedule of connection fees proposed as well as previously authorized by the board and other contributions in aid of construction;
- (18) Detailed schedules to determine the percentage for reduction in ad valorem taxes and depreciation expenses due to excess capacity where applicable;
- (19) A detailed schedule of services or commodities supplied to and received from affiliated companies including associated revenue or expenses, as may be applicable;
- (20) Any orders or requirements imposed or likely to be imposed by any other regulation or regulatory authority; and
- (21) Any other information which the utility or the board deems relevant under the particular circumstances.
- (22) For utilities seeking initial rates, all of the information indicated in subsections (e)(1) through (21) above shall be required. However, where actual information is not available, pro forma information shall be supplied.

(f) Until changed by rules of the board, all applications for a rate adjustment by utilities with current gross revenues up to and including \$50,000.00 for water and wastewater shall include the following information:

- (1) A brief description of the system;
- (2) Detailed maps showing the service area of the franchise, lines in the ground, and lots served. Lots presently being served and proposed extensions shall be distinguished from lots not presently connected;
- (3) The rates, fees and charges the utility is presently charging and the proposed rates, fees and charges;
- (4) The number of customers served by the utility, itemized by classes and presented on such seasonal or annual basis as is appropriate;
- (5) A statement of the utility's revenue for the test year at both the existing and proposed rates by customer class;
- (6) An income statement and balance sheet for the test year at existing rates;
- (7) A pro forma income statement showing the estimated results for the test year at the proposed rates;
- (8) A detailed statement of fixed assets;
- (9) The calculation of the rate base and rate of return for the test year and for the pro forma year;
- (10) A copy of the tariff, terms and conditions of service, and service availability policy;

- (11) Detailed schedules showing the computation of the property used and useful in the provision of service to the public to arrive at the percentage reduction of rate base for existing capacity. Identify in detail the capacity of the utility system by functional component (treatment, transmission, collection, etc.) and the portions thereof that are used and useful in the provision of service to the public;
- (12) Any orders or requirements imposed or likely to be imposed by any other regulation or regulatory authority; and
- (13) Any other information which the utility or the board may deem relevant under the particular circumstances.

(g) In addition to the requirements stated in this section, all applications shall include the following information for both the test year and pro forma year:

- (1) An itemized comparison of operating expenses since rates last were established by the board giving reasons for the major changes in excess of five percent;
- (2) An itemized comparison of rate base since rates last were established by the board giving detailed reasons for any changes;
- (3) A comparison of actual cost of capital and pro forma cost of capital.

(h) In determining rates, the board:

- (1) Shall consider the value and quality of service and the cost of providing the service;
- (2) Shall include in the cost of providing service, at a minimum, debt interest, working capital, maintenance, depreciation, tax, and operating expenses incurred in the operation of all property used and useful in the public service;
- (3) Shall include a fair return on the utility's investment in all property used and useful in the public service, which return shall be no less than the board approved weighted cost of the capital of the utility, including debt and equity;
- (4) Shall not include contributions-in-aid-of-construction (CIAC) in the rate base of any utility;
- (5) Shall not reduce rate base by any accumulated depreciation on CIAC;
- (6) Shall not include depreciation on CIAC as a cost of providing service;
- (7) Shall consider the investment of the utility in land acquired or facilities constructed or to be constructed in the public interest within a reasonable time in the future, not to exceed 12 months, unless extended by the board, from the end of the historical test period used to set final rates;
- (8) Shall reduce rate base by accumulated deferred and unamortized income tax and investment tax credit;

(9) For purposes of determining rate base, the board shall not consider a utility's investment in any new construction, expansion or replacement of a utility's water treatment plant, wells, wastewater treatment plant, lift stations or effluent disposal facilities to be either prudently incurred or used and useful in the public service unless the utility presents evidence that (i) the utility notified each government, governmental authority or other water and wastewater utility provider which operates a utility system within the county of the utility's intent to construct, expand or replace such utility property; (ii) the utility determined the cost and feasibility of interconnecting the utility's property with the utility system operated by such local government, governmental authority or other provider in lieu of such construction, expansion or replacement; (iii) the local government, governmental authority and water and wastewater utility provider was given the opportunity to provide a competitive bid to the utility on not less than 90 days notice for the interconnection of the utility's property to the utility system operated by the local government, governmental authority or other utility provider in lieu of such construction, expansion or replacement; and (iv) the local government, governmental authority or other utility provider (a) failed to respond to the utility's notice, (b) agreed with the utility that interconnection of the utility's property was not feasible or (c) presented a bid for interconnection which was not the least cost alternative available to the utility and not otherwise preferable to the construction, expansion or replacement proposed by the utility for public health and safety or environmental reasons.

(i) The board in establishing initial rates for a utility may project the financial and operational data as set out in this section, to a point in time when the utility is expected to be operating at a reasonable level of capacity.

(j) In fixing rates, the board may determine the prudent cost of providing service during the period of time the rates will be in effect following the entry of a final order relating to the rate request of the utility and may use such costs to determine the revenue requirements that will allow the utility to earn a fair rate of return on its rate base.

(k) ***Pass through increases and price index adjustments:***

(1) The board may, in the board's sole discretion, authorize or require pass through increases or decreases by rule.

- (2) On or before March 31 of each year, the board at its sole discretion may by order establish a price increase or decrease index for major categories of operating costs incurred by utilities subject to its jurisdiction reflecting the percentage of increase or decrease in costs from the most recent 12-month historical data available. The board may by rule establish the procedure to be used in determining such indices and a procedure by which a utility, without further action by the board, or the board on its own motion, may implement an increase or decrease in rates based upon the application of the indices to the amount of the major categories of operating costs incurred by the utility during the immediately preceding calendar year, except to the extent of any disallowances or adjustments for those expenses of that utility in its most recent rate proceeding before the board. The rules, if established, shall provide that, upon a finding of good cause, including for inadequate service, the board may order a utility to refrain from implementing a rate increase hereunder unless implemented under a bond or corporate undertaking. A utility may not use this procedure, if such a procedure has been established, between the official date of filing of the rate proceeding and one year thereafter, unless the case is completed or terminated at an earlier date. A utility may not use this procedure to increase any operating cost for which an adjustment has been made to increase its rates by application of a price index or pass-through, other than the most recent price index, if any, authorized by the board at the time of filing;
- (3) Before implementing a change in rates under this subsection, the utility shall file an affirmation under oath as to the accuracy of the figures and calculations upon which the change in rates is based, stating that the change will not cause the utility to exceed the range of its last authorized rate of return on equity. Whoever makes a false statement in the affirmation required hereunder, which statement he or she does not believe to be true in regard to any material matter, is guilty of a felony of the third degree, punishable as provided in F.S. §§ 775.082, 775.083, or 775.084;
- (4) If, within 15 months after the filing of a utility's annual report, the board finds that the utility exceeded the range of its last authorized rate of return on equity after an adjustment in rates as authorized by this subsection was implemented within the year for which the report was filed or was implemented in the preceding year, the board may order the utility to refund, with interest, the difference to the ratepayers and adjust rates accordingly;
- (5) Notwithstanding anything herein to the contrary, a utility may not adjust its rates under this subsection more than two times in any 12-month period. For the purpose of this subsection, a combined application or simultaneously filed applications that were filed under provisions of subsection 118-225(k)(1) and (k)(2) shall be considered one rate adjustment;

- (6) The board may regularly establish a leverage formula or formulae that reasonably reflects the range of returns on common equity for an average water or wastewater utility and which, for purposes of this section, shall be used to calculate the last authorized rate of return on equity for any utility which otherwise would have no established rate of return on equity. In any other proceeding in which an authorized rate of return on equity is to be established, a utility, in lieu of presenting evidence on its rate of return on common equity, may move the board to adopt the range of rates of return on common equity that has been established under this paragraph. The board in its sole discretion may require the utility to present evidence on its rate of return on common equity and not allow the utility to use the range of rates on common equity that has been established under this paragraph. The board in its sole discretion may adopt the leverage formula established annually by the Florida Public Service Commission;
- (7) No utility shall implement any rate change pursuant to this ordinance unless it has filed with the board its current annual financial report and all other reports required by the board and is then current in the payment of its fees to the board.

(I) ***Proposed Board Action, Staff Assisted Rate Cases and Alternative Rate Setting:***

- 1) ***Proposed Board Action:*** Upon a petition by a utility or by its own motion the Board may conduct a limited action to consider or act upon any matter within its jurisdiction, including any matter the resolution of which requires a utility to adjust its rates. In this limited action, County staff will conduct an investigation and/or audit and present its findings to the Columbia County Utility Committee. The Committee will conduct a hearing on the matter and make a recommendation directly to the Board in the form of a Proposed Board Action and in lieu of a formal hearing by a hearing officer.
 - a) If the Proposed Board Action involves rate setting, the staff will conduct a customer meeting in or around the service area as a part of the investigation and/or audit.
 - b) Upon a receipt of a Proposed Board Action, the Board will conduct a public hearing and shall approve, modify or reject the recommendation of the Committee. Upon a rejection, the Board may order the Utility Committee to reconsider the matter, may order a public hearing before a Hearing Officer, or may order no action be taken on the matter.
 - c) A substantially affected person may file a written petition to protest the Board's Proposed Board Action within 21 days of the Order. In the event of a Protest, the Board may place refundable interim rates in effect pending the outcome of the protest. The Board may select a Hearing Officer or the Utility Committee to hear the protest before the matter returns for Board consideration.

2) **Staff Assisted Rate Case:** A staff assisted rate case as a form of Proposed Board Action shall follow all procedures established for a Proposed Board Action.

- a) Water and Wastewater utilities whose gross annual operating revenues are \$250,000 or less or \$500,000 or less on a combined water and wastewater basis, may petition the Board for staff assistance in rate applications by submitting a completed application. A staff assisted rate case may be initiated by motion of the Board. Staff assisted rate cases are intended to provide the small utilities with the ability to obtain rate relief in a timely manner, reduce the cost in processing a change in rates, provide a method to reduce rate shock to the customers, and allow a utility the opportunity to recover its operating costs and earn a return on its investment so that it remains viable.
- b) In accordance with Section 367.0814 (6) F.S. a utility that requests staff assistance waives its rights to protest by agreeing to accept the final rates and charges approved by the Board unless said rates and charges would produce less revenue than the existing rates and charges. Any reasonable and prudent rate case expenses by the utility may be recoverable through the rates developed by with approval of the Board and in accordance with this Ordinance (2007-15).
- c) Within 60 days of receipt of completed application, the Columbia County Utility Committee shall evaluate the application and determine the petitioner's eligibility for a staff assisted rate case. The determination of eligibility may be conditional pending an evaluation of the condition of the petitioner's books and records. All recommendations of ineligibility shall be in writing and state the deficiencies in the application
- d) In making a recommendation on granting or denying the application, the Utility Committee shall consider:
 - 1) Whether the utility qualifies for staff assistance with gross annual operating revenues of \$250,000 or less for water or sewer; or with gross annual operating revenues of \$500,000 or less on a combined water and wastewater basis;
 - 2) Whether the petitioner's books and records are organized so as to allow County staff to verify costs and other relevant factors within a 30 day time period;
 - 3) Whether the petitioner has filed all annual reports;
 - 4) Whether the petitioner has paid all applicable regulatory assessment fees
 - 5) Whether the petitioner has at least 1 year of actual experience in the utility business;
 - 6) Whether the petitioner has filed additional relevant information in support of eligibility including the reasons why the information should be considered;

- 7) Whether the petitioner has complied in a timely manner with all Board decisions and requests that affect water and wastewater utilities for a period of 2 years prior to the filing of the request; and
 - 8) Whether the utility has applied for a staff assisted rate case within 2 years prior to the receipt this application.
- e) The Board or its designee will deny the application if a utility does not remit the required application fee prior to staff action.
- f) A substantially affected person may file a written petition to protest the Board's Proposed Board Action in a staff assisted rate case within 21 days of the Order.
- g) In the event of a protest of the Proposed Board Action Order in a staff assisted rate case, the utility shall:
- 1) Provide pre-filed direct testimony in accordance with the procedures outlined for a hearing as detailed in Section 9 of Ordinance No. 2007-15;
 - 2) Sponsor a witness to support the source documentation provided to the County staff in preparation of the staff audit, staff engineering and accounting report and staff recommendations in this case;
 - 3) Include in its testimony any factual information to support its position on any issue it chooses to take a position different than that contained in the Board's Order;
 - 4) Meet all other requirements of the order establishing procedures.
- h) In the event of a protest of the Proposed Board Action Order in a staff assisted rate case, the County staff shall:
- 1) Provide pre-filed direct testimony to explain its analysis and recommendations. In the event that the staff wishes to alter its position on any issue, it shall provide factual testimony to support its changed position.
 - 2) Meet all other requirements of the order establishing procedures; and
 - 3) Provide to the utility materials to assist the utility in the preparation of its testimony and exhibits. These materials shall consist of examples of testimony and exhibits used in other cases as well as examples of prehearing statements and briefs filed in other cases if available.
- i) In the event of a Protest, the Board may place refundable interim rates in effect pending the outcome of the protest. The Board may select a Hearing Officer or the Utility Committee to hear the protest before the matter returns for Board consideration.

- j) Failure to comply with the dates established in the procedural order or to file a timely request for an extension of time for good cause, may result in dismissal of the staff assisted rate case.
- 3) **Alternative Rate Setting:** Under Section 367.0814(9) F.S. the Board, by rule, hereby establishes standards and procedures whereby rates and charges of small utilities may be set using criteria other than those set forth in Florida Statute 367.081(1), (2)(a) and (3). The Board, at its sole discretion, may use any alternative rate setting methodology used by the Florida Public Service Commission or authorized by Florida Statutes or Florida Administrative Code (Sections 25-30.456 and 25-30.457 F.A.C.) as a method for setting rates for small utilities as part of a staff assisted rate case.
- (m) An application for rate change must be accompanied by a fee as set by the board, or if not yet set by the board, by the fee that would have been payable to the FPSC if the utility had been subject to FPSC regulation.
 - (n) The board may withhold consent to the operation of any rate request or any portion thereof by a vote to that effect within 60 days after the official date of filing or within a shorter period established by rule of the board. The order shall state a reason or statement of good cause for the withholding of consent. The board shall provide a copy of the order to the utility and all interested persons who have requested notice. The board shall take final action on the docket and enter its final order within 12 months of the official date of filing.
 - (o) **Rate case expenses:**
 - (1) The board shall determine the reasonableness of rate case expenses and shall disallow all rate case expenses determined to be unreasonable. No rate case expense determined to be unreasonable shall be paid by the consumer. The utility shall provide detailed expense reports in support of its request for rate case expenses. Such reports shall include the time spent by each person generating that expense and a detailed explanation of the activities performed related specifically to the each phase of the preparation and prosecution of the rate case, to enable a determination of the validity of such expenses. Hourly rates will be based on the marketplace in Florida for like experience and quality. Time will be assessed on the basis of a reasonable number of hours for the tasks performed and the elimination of duplication;
 - (2) The amount of rate case expense determined by the board pursuant to the provisions of this section to be recovered through a utility's rates shall be apportioned for recovery over a period of four years. At the conclusion of the recovery period, the rate of the utility shall be reduced immediately by the amount of the rate case expense previously included in rates.

- (p) Until such time as the board may implement rules which amplify or modify this subsection, the following procedures shall be utilized by utilities in all rate change applications. The utility may present additional information using different procedures in its rate case filing. However, the utility has the burden of proof to show that the procedures that the utility proposes that the board utilize provide a more fair balance of ratepayer and utility interests.

Rate base standards:

- (1) Absent extraordinary occurrences, the utility shall use a 13-month average rate base;
- (2) The utility must prove its entitlement to a margin reserve by, at a minimum, providing evidence of its planning cycle, historic and planned development of its system including timing of significant investments by the utility, its developer agreement policy, present and historic, and payments to the utility by its parent and/or affiliated companies for providing utility services;
- (3) Economies of scale factor shall not be used;
- (4) The cost of a utility's transmission and distribution system shall be allocated between present and future customers based on the ratio of lots occupied to lots available; and
- (5) The utility's working capital requirements shall be calculated in accordance with FPSC Rule 25-30.433. The calculated working capital shall be added to rate base if it is a positive number and subtracted from rate base if it is a negative number.

(q) ***Cost of capital:***

- (1) At the discretion of the board, the utility shall establish the cost of equity either by expert rate of return testimony or by utilizing the board's leverage formula or, if that formula has not been established, by using the FPSC's leverage formula in effect at the time of the board's decision;
- (2) The cost of debt shall be the utility's actual cost of long term debt and of short term debt unless the board determines that such cost is unreasonable or excessive due to acts or omissions of the utility;
- (3) The utility's stand alone capital structure shall be used by the utility in its filing if that structure is appropriate for a regulated utility and accurately reflects the total cost of capital.

- (r) ***Net operating income:*** The average number of customers and consumption shall be used to calculate test year revenues and service rates.

- (s) **Rate investigations.** On its own motion or on a written complaint signed by a person applying for or receiving services, or by request of the utility itself, the board may investigate to determine if the rates charged or collected by a utility, or the utility's practices affecting the rates, are unjust, unreasonable, discriminatory, or non-compensatory, or are in violation of this ordinance, or rule of the board. If it appears that any change may be appropriate, the board shall hold a public hearing to determine just and reasonable rates, fees, or practices to be implemented thereafter. Public notice of the public hearing shall be published one time in a newspaper of general circulation in the county at least ten days before the hearing. Notice of the hearing shall be given to the utility and to the complainant, if any, at least 30 days before the date of the hearing.
- (t) The board may require a utility to provide service for resale. However, before requiring the provision of service, the board shall first find that the utility is financially able to make such additional investment as is required without impairing its capacity to serve its existing customers. Any utility which provides service for resale shall provide such service upon such terms and conditions established by the board, and no utility shall discontinue such service without the approval of the board.
- (u) If the furnishing of service by a utility requires the extension of or addition to its existing facilities, the utility may require the applicant for such service to pay reasonable sums or reasonable deposits guaranteeing compensatory revenues from the service area to be served, or reasonable CIAC to help defray the costs of facilities which will be used and useful in furnishing that service, or reasonable construction or other advances evidenced by refundable or non-refundable advance written agreement(s) or combination thereof, as a condition precedent to furnishing service. Upon execution and as a condition precedent to the effectiveness of such agreements, each franchisee must provide a copy of any such agreement to the board and the board shall review such agreements and either approve the agreement, modify its terms or deny the utility the authority to make the agreement effective.
- (v) Each utility shall provide to each person reasonably entitled thereto such safe, efficient, and sufficient service as is prescribed by the Florida Safe Drinking Water Act and the Florida Air and Water Pollution Control Act and/or rules adopted pursuant thereto, or the applicable chapters of the Florida Administrative Code, or other applicable federal, state and local laws, ordinances and rules promulgated there under, or the successor in function to each; also such service shall not be less safe, less efficient or less sufficient than is consistent with the approved engineering design of the particular system and reasonable and proper operation of the utility in the public interest. If the board finds that utility has failed to provide its customers with water or wastewater that meets the standards promulgated by the department of environmental protection, the appropriate water management district, or other federal, state, or local regulatory authority, the board may issue a final order to reduce the utility's return on equity with a corresponding decrease in the utility's rates until such time as the standards are met.

- SECTION 2. SEVERABILITY.** If any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provisions of the Ordinance.
- SECTION 3. REPEALER.** All Ordinances, Resolutions and Rules or parts of Ordinances, Resolutions and Rules in conflict herewith are, to the extent of such conflict, hereby repealed.
- SECTION 4. CODIFICATION.** The provisions of this Ordinance shall be made a part of the Columbia County Code. The codifier of the Code shall change headings and re-letter and renumber sections hereof as necessary for that purpose.
- SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect upon filing with the Department of State, as provided by section 125.66, Florida Statutes.

PASSED AND DULY ADOPTED, in regular session with a quorum present and voting, by the Board of County Commissioners this 6th day of January 2011.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF COLUMBIA COUNTY, FLORIDA**


P. DeWitt Cason, Clerk of Court


Jody DuPree, Chairman