

**COLUMBIA COUNTY UTILITY COMMITTEE**  
**POST OFFICE BOX 1529**  
**LAKE CITY, FLORIDA 32056-1529**

**CITY OF LAKE CITY COUNCIL CHAMBERS**  
**205 NORTH MARION AVENUE**  
**LAKE CITY, FLORIDA 32055**

**AGENDA**

**June 22, 2010**

**9:00 A.M.**

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**Honorable Jody Dupree, Utility Committee Chairman:**

- (1) Call to Order**
- (2) David Kraus – Review of Eastside Village Rate Request Compliance with Columbia County Ordinance Number 2007-15**
- (3) Greg Bailey, P.E., - North Florida Professional Services, Inc. – Review College Manor Water System Assessment  
(Copy of Written Report Available for Inspection in the Office of the Board of County Commission)**
- (4) Dale Williams, County Manager – Regulatory Ordinance Updates – County Utilities:**
  - Oil and Grease Ordinance**
  - Main Extension Ordinance**
  - Utility Rate Ordinance**
  - Connection Ordinance Amendments**
- (5) Infrastructure Corporation of America Contract Agreement**
- (6) Minute Approval – Utility Committee**
  - a) January 26, 2010 Amended**
  - b) April 27, 2010**
- (7) Other Discussion**

**KIRBY D. MORGAN, INC.**

**PROJECTION**

**For the Year Ending December 31, 2010**

**KIRBY D. MORGAN, INC.**  
**PROJECTED STATEMENT OF ASSETS, LIABILITIES AND**  
**STOCKHOLDER'S EQUITY (DEFICIT) - INCOME TAX BASIS**  
**December 31, 2010**

	<b><u>Existing</u></b> <b><u>Rates</u></b>	<b><u>Proposed</u></b> <b><u>Rates</u></b>
<b>ASSETS</b>		
<b>CURRENT ASSETS</b>		
Cash in Bank	\$1,968	\$27,518
<b>PROPERTY AND EQUIPMENT, at cost</b>		
<b>LESS ACCUMULATED DEPRECIATION</b>	188,306	188,306
	141,372	141,372
<b>NET PROPERTY AND EQUIPMENT</b>	46,934	46,934
<b>OTHER ASSETS</b>		
Deposits	1,275	1,275
Loan to Related Party	33,169	33,169
<b>TOTAL OTHER ASSETS</b>	34,444	34,444
	\$83,346	\$108,896
 <b>LIABILITIES AND STOCKHOLDER'S EQUITY</b>		
<b>STOCKHOLDER'S EQUITY (DEFICIT)</b>		
Common Stock	\$100	\$100
Paid in Capital	109,571	109,571
Retained Earnings (Deficit)	(26,325)	(775)
<b>TOTAL STOCKHOLDER'S EQUITY (DEFICIT)</b>	\$83,346	\$108,896

See Summary of Significant Assumptions and Accounting Policies and Accountants' Report

Kirby D. Morgan  
Kirby D. Morgan, Inc.  
Lake City, Florida

We have compiled the accompanying projected statement of assets, liabilities and stockholder's equity (deficit) - income tax basis of Kirby D. Morgan, Inc. ( an S corporation) as of December 31, 2010, and the related projected statement of revenues, expenses, and retained earnings (deficit) - income tax basis for the year then ending, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The financial statements have been prepared on the income tax basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles. The accompanying projection was prepared for submission of a rate increase application to the Columbia County Board of County Commissioners.

A compilation is limited to presenting in the form of a projection information that is the representation of management and does not include evaluation of the support for the assumptions underlying the projection. We have not examined the projection and, accordingly, do not express an opinion or any other form of assurance on the accompanying statements or assumptions. Furthermore, even if the rate increase is granted, there will usually be differences between the projected and actual results because events and circumstances frequently do not occur as expected and those differences may be material. We have no responsibility to update this report for events and circumstances occurring after the date of this report.

The accompanying projection and this report are intended solely for the information and use of Kirby D. Morgan, Inc. and the Columbia County Board of County Commissioners and is not intended to be and should not be used by anyone other than these specified users.

*Odom, Moses & Company, LLP*

Certified Public Accountants

April 23, 2010

**KIRBY D. MORGAN, INC.**  
**PROJECTED STATEMENT OF REVENUES, EXPENSES AND**  
**RETAINED EARNINGS (DEFICIT) - INCOME TAX BASIS**  
**For the Year Ending December 31, 2010**

	<b><u>Existing</u></b> <b><u>Rates</u></b>	<b><u>Proposed</u></b> <b><u>Rates</u></b>
<b>SEWER FEES</b>	\$92,400	\$118,800
<b>OPERATING EXPENSES</b>		
Repairs and Maintenance	18,000	18,000
Depreciation	5,230	5,230
Supplies	5,000	5,000
Management Fees	33,600	33,600
Contractual Service	7,500	7,500
Utilities	7,500	7,500
Telephone	4,200	4,200
Water Tests	2,500	2,500
Professional Fees	2,700	2,700
Bank Charges	1,000	1,000
Office Supplies	1,200	1,200
Taxes and Licenses	8,050	8,900
Dues and Subscriptions	250	250
Insurance	200	200
	<hr/>	<hr/>
<b>TOTAL OPERATING EXPENSES</b>	<b>96,930</b>	<b>97,780</b>
	<hr/>	<hr/>
<b>NET INCOME</b>	<b>(4,530)</b>	<b>21,020</b>
<b>RETAINED EARNINGS (DEFICIT) - BEGINNING</b>	<b>(21,795)</b>	<b>(21,795)</b>
	<hr/>	<hr/>
<b>RETAINED EARNINGS (DEFICIT) - ENDING</b>	<b>(\$26,325)</b>	<b>(\$775)</b>
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See Summary of Significant Assumptions and Accounting Policies and Accountants' Report

**KIRBY D. MORGAN, INC.**  
**SUMMARY OF SIGNIFICANT PROJECTION ASSUMPTIONS AND ACCOUNTING POLICIES**  
**December 31, 2010**

**NOTE 1 - NATURE OF PROJECTIONS**

These projections were prepared for the purpose of complying with Columbia County Ordinance 2007-15, Section 5. The wastewater utility operated by Kirby D. Morgan, Inc. is requesting a rate increase sufficient to cover the operational costs of the sewer facility. The facility provides sewer services to the residents of Eastside Village Retirement Community. The residents remit a monthly fee as established from time to time.

As required by the Ordinance, this projection includes the revenue for the facility based on the existing rate of \$35.00 per month times the number of current residents (223) in the community. The projection includes a separate column for the revenue assuming the proposed rate of \$45.00 per month per resident is approved. Currently, there are three residents who are not paying on their accounts and have substantial outstanding balances (\$460, \$530, and \$1055). There are currently seven other residents with smaller past due balances. The projected revenue has been adjusted to reflect revenue for 220 accounts to account for the anticipated lack of payment from the three accounts. There may be other delinquent accounts, but these would be expected to be insignificant. Further, the actual revenue for the year would likely be different than the projection as some residents do not remit on a timely basis.

The expenses are based on historical amounts with adjustments for expected items as described in Note 3, below.

**NOTE 2 - ACCOUNTING PRESENTATION**

As indicated by the title to the accompanying financial statements, the projected financial statement information is presented on an income tax basis of accounting. This is the method used by the company for income tax reporting.

**NOTE 3 - EXPENSE PROJECTIONS**

The expenses presented on the accompanying financial projection are based on actual historical expense amount incurred on the income tax basis of accounting with adjustments for known and expected changes.

**Depreciation Expense**

Depreciation expense is computed on the income tax Modified Accelerated Cost Recovery System (MACRS). Under this system, the cost of the asset is generally recovered by reporting depreciation expense over a specific recovery period. Additionally, the cost of the asset may be recovered by making a special election under Internal Revenue Code Section 179 to expense the cost of the asset in the year of purchase.

**KIRBY D. MORGAN, INC.**  
**SUMMARY OF SIGNIFICANT PROJECTION ASSUMPTIONS AND ACCOUNTING POLICIES**  
**December 31, 2010**

**NOTE 3 - EXPENSE PROJECTION (continued)**

**Depreciation Expense (continued)**

Expenditures for major renewals and betterments that extend the useful lives of property and equipment are capitalized. Expenditures for maintenance and repairs are charged to expenses as incurred.

Depreciation for the projection period was based on the actual scheduled expense for the existing assets and does not include allowance for the purchase of additional assets.

**Management Fees**

Eastside Village Realty, Inc., (EVR) a related entity provides support services for Kirby D. Morgan, Inc. EVR receives a management fee for these services. Payment to EVR has been sporadic over the years, due to cash flow difficulties. This projection proposes increasing the management fee to cover the costs of the following items provided by EVR:

Management Services - 20 hours per week @\$20 per hour		\$ 20,800
Secretarial Services - 5 hours per week @\$14 per hour		3,640
1/2 Utilities cost for shared office		
Electricity	2,940	
Water	1,200	
Telephone	960	
		5,100
1/2 Cost of Liability Insurance Coverage		460
Office Supplies (paper, toner, stamps)		3,600
Total		\$ 33,600

**Taxes and Licenses**

Tax expense for the following items:

	<b>Existing Rates</b>	<b>Proposed Rates</b>
Real Property Tax	\$900	\$900
2009 Regulatory Assessment Fee	4,150	4,150
2010 Regulatory Assessment	3,000	3,850
	\$ 8,050	\$ 8,900

**KIRBY D. MORGAN, INC.**  
**SUMMARY OF SIGNIFICANT PROJECTION ASSUMPTIONS AND ACCOUNTING POLICIES**  
**December 31, 2010**

**NOTE 3 - EXPENSE PROJECTION (continued)**

**Taxes and Licenses (Continued)**

The Regulatory Assessment Fee would be paid to the County. The County Ordinance allows for this fee to be passed on to customers with an itemized billing to the customer. The company did not anticipate this fee when it announced the revised \$45 fee to residents. Furthermore, residents are not "billed" monthly, but pay the announced fee to the company without receiving a billing statement. The additional cost of preparing and mailing monthly bills to residents is not included in the accompanying projection.

**Insurance Expense**

Insurance expense includes the cost of a policy on the utility service truck.

**PROPOSED**

**UTILITY RATE ORDINANCE**

**ORDINANCE NO. 2010-11**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA ESTABLISHING WATER AND SEWER CAPACITY CHARGES; ESTABLISHING WATER SERVICE CONNECTION CHARGES; ESTABLISHING WATER AND SEWER MONTHLY SERVICE CHARGES, DEPOSITS AND MISCELLANEOUS CHARGES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE AND APPLICABILITY.**

**WHEREAS**, the County currently is in the process of constructing water and sewer systems, including water transmission and service lines and wastewater collection lines, in the unincorporated area of the County known as the Ellisville area; and

**WHEREAS**, it is the intent of the County to provide water and wastewater services promptly and efficiently to Customers located in areas of the unincorporated County designated now or hereafter as a County "Exclusive Service Area" or "Designated Service Area" pursuant to Ordinance No. 2010-1, which Exclusive Service Area currently includes the Ellisville area, generally; and

**WHEREAS**, the County desires to establish the initial water and sewer capacity charges, water service connection charges and water and sewer monthly service charges, deposits and miscellaneous charges to be charged to and collected from Customers receiving water and/or wastewater services.

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

## ARTICLE I

### FEES, CHARGES AND ASSESSMENTS

**SECTION 1.01. INTENT.** Fees, charges and assessments for potable water and sewer use and services shall be proposed as necessary by the County Manager so that new Customers and developments generating the demand for potable water and/or sewer service pay a fair share of the reasonably anticipated cost of expanding, improving, and operating the potable water and sewer facilities necessary to provide the required services. The amount of these fees, charges and assessments shall be established at properly advertised public hearings conducted by the County and shall be set by resolution of the Board of County Commissioners.

#### **SECTION 1.02. CAPACITY CHARGES.**

(A) Uniform Capacity Charges. Capacity charges shall be uniform within each established service area. Capacity charges shall be as set out in Section 1.04 of this Ordinance and may be amended from time to time by resolution of the Board of County Commissioners. Capacity charges shall be in addition to any charges and/or assessments for meter connections or line extensions.

(B) Payment Calculation. Potable water and sewer service capacity charges shall be calculated based upon the size of the water meter serving the Customer and such meter's equivalent meter connection ratio as established by the American Water Works Association. Capacity charges paid are not refundable but stay with the parcel of land and, therefore, are transferable to successors and assigns of Customer.

(C) Review of Charges. The amount of the capacity charges shall be reviewed on a bi-annual basis. With the passage of time, changes in cost estimates as

well as changes in needed improvements are possible. It is appropriate to review these changes periodically to ensure that capacity charges accurately reflect the cost of the facilities needed to serve Customers.

(D) Charge Revisions. Any change in capacity charges identified herein shall be by resolution approved by the Board of County Commissioners at a properly advertised public hearing.

(E) Accounting and Expenditures. All capacity charges will be deposited in the Water and Sewer Capacity Charge Accounts. Separate accounts shall be maintained for each type of utility service. The use of funds in each account is restricted to payment for land, engineering, construction and the associated costs of constructing facilities to provide capacity for growth or new demand. These funds also can be used to pay debt service on financing obtained to expand facilities to provide service capacity for growth or new demand. These funds, including the interest earned on Water and Sewer Capacity Charge Account balances, shall not be used for operating or maintenance expenses or for renewal and replacement of existing facilities.

### **SECTION 1.03. CHARGES FOR SERVICE.**

(A) Potable Water Service Connection Charges. The potable water service connection charge established by the County shall be uniform, county-wide and shall initially be the charge indicated in Section 1.04 of this Ordinance. Service connection charges are not included in the capacity charges and shall be paid directly to the County at the time actual service is requested for each water meter. The Customer or applicant for service shall be responsible for any increase in charges adopted prior to the actual connection.

(B) Initiation of Monthly Service and other Miscellaneous Charges. Potable water and sewer base facility charges and volumetric charges and the miscellaneous service charges are set forth in Section 1.05 of this Ordinance. These charges may be amended by the Board of County Commissioners by resolution at a properly advertised public hearing. Potable water base facility and volumetric charges shall begin to be billed monthly when the potable water meter is set. Sewer base facility charges shall begin to be billed monthly when the potable water meter is set, but sewer volumetric charges may be deferred until the certificate of occupancy is issued. Water and Sewer base facility charges shall be based on the size of the water meter serving the Customer and such meter's equivalent meter connection ratio as established by the American Water Works Association. Miscellaneous charges established in Section 1.05, and as may be amended, shall be charged upon occurrence of the event for which they are established.

**SECTION 1.04. WATER CAPACITY CHARGE, SEWER CAPACITY CHARGE AND WASTER SERVICE CONNECTION CHARGE.**

(A) The water capacity charge shall be as follows:

<b>Water Meter</b>		<b>Water Capacity Charge</b>
<b>Size</b>	<b>Type</b>	
5/8" x 3/4"	Positive displacement	\$1,900
1"	Positive Displacement	\$5,500
1-1/2"	Positive Displacement	\$11,000
2"	Positive Displacement	\$17,600
3"	Compound	\$35,000

(B) The sewer capacity charge shall be as follows:

<b>Water Meter</b>		<b>Sewer Capacity Charge</b>
<b>Size</b>	<b>Type</b>	
5/8" x 3/4"	Positive displacement	\$3,800
1"	Positive Displacement	\$11,000
1-1/2"	Positive Displacement	\$22,000

Water Meter		Sewer Capacity Charge
Size	Type	
2"	Positive Displacement	\$35,200
3"	Compound	\$70,000

(C) The water service connection charge shall be as follows:

Meter Size Positive Displacement Meters	Water Service Connection Charge
5/8 - n	\$250
3/4 - in	\$300
1 - in	\$500
1.5 - in	\$625
2 - in	\$800
3 - in Compound Meter	\$1,200

**SECTION 1.05. MONTHLY WATER, SEWER AND MISCELLANEOUS SERVICE CHARGES.**

(A) All water and sewer Customers will pay a base facility charge each month. Customers who are both water and wastewater Customers will pay both a water and a sewer base facility charge.

(B) All water and sewer Customers will be required to pay monthly usage charges with respect to each gallon of water used. The base facility charges and monthly usage charges shall be as set forth below until amended by resolution of the Board of County Commissioners as follows:

1. Water Service Rates

	Charge	Meter Size	Rate
<b>Residential</b>	Base Facility Charge	Various	\$ 2.02
	Volumetric Charge		\$ 2.94
<b>Senior Citizen</b>	Base Facility Charge	Various	\$ 18.91
	Volumetric Charge		\$ 2.64

	<b>Charge</b>	<b>Meter Size</b>	<b>Rate</b>
<b>Master Metered Multifamily Residential</b>	Base Facility Charge	3/4"	\$ 21.02
		1"	\$ 21.02
		1 1/2"	\$ 21.02
		2"	\$ 21.02
		3"	\$ 21.02
		4"	\$ 21.02
		6"	\$ 21.02
		8"	\$ 21.02
	Volumetric Charge		\$ 2.94
	<b>Commercial</b>	Base Facility Charge	3/4"
1"			\$ 41.78
1 1/2"			\$ 77.02
2"			\$ 119.30
3"			\$ 217.95
4"			\$ 358.89
6"			\$ 711.24
8"			\$ 1,134.05
Volumetric Charge		\$ 2.94	
<b>Fire Hydrant</b>	Base Facility Charge		\$ 21.02
	Volumetric Charge		\$ 2.94
<b>Irrigation</b>	Base Facility Charge	3/4"	\$ 21.02
		1"	\$ 41.78
		1 1/2"	\$ 77.02
		2"	\$ 119.30
		3"	\$ 217.95
	Volumetric Charge		\$ 2.94

## 2. Sewer Service Rates

	<b>Charge</b>	<b>Meter Size</b>	<b>Rate</b>
<b>Residential</b>	Base Facility Charge	Various	\$ 39.66
	Volumetric Charge		\$ 2.29
<b>Master Metered Multifamily Residential</b>	Base Facility Charge	3/4"	\$ 34.45
		1"	\$ 34.45
		1 1/2"	\$ 34.45
		2"	\$ 34.45
		3"	\$ 34.45
		4"	\$ 34.45
		6"	\$ 34.45

	<b>Charge</b>	<b>Meter Size</b>	<b>Rate</b>
		8"	\$ 34.45
	Volumetric Charge		\$ 2.29
<b>Commercial</b>	Base Facility Charge	3/4"	\$ 50.12
		2"	\$ 118.13
		2 2/2"	\$ 231.50
		2"	\$ 367.49
		3"	\$ 684.85
		4"	\$ 1,138.32
		6"	\$ 2,271.84
		8"	\$ 3,631.80
	Volumetric Charge	I	\$ 2.29
		II	\$ 2.63
		III	\$ 2.98

### 3. Sewer Only

	<b>Charge</b>	<b>Meter Size</b>	<b>Rates Effective for 10/01/08</b>
<b>Residential - No Water</b>	Base Facility Charge	Various	\$ 39.66
	Volumetric Charge		\$ 6.01
	<b>Total</b>		<b>\$ 55.68</b>
<b>Commercial - No Water</b>	Base Facility Charge	3/4"	\$ 50.12
	Commercial		\$ 16.01
	<b>Total</b>		<b>\$ 66.14</b>
<b>Residential - Ready to Service</b>	Base Facility Charge		\$ 39.66
	Volumetric Charge		\$ -
	<b>Total</b>		<b>\$ 39.66</b>
<b>Commercial - Ready to Service</b>	Base Facility Charge	3/4"	\$ 50.12
	Commercial		\$ -
	<b>Total</b>		<b>\$ 50.12</b>

### 4. Miscellaneous Service Charges.

- i. All returned checks will be charged a \$30.00 fee.

ii. A re-read fee in the amount of \$35.00 will be charged for each requested re-read by a Customer, but such fee will not be payable where the meter reading being re-read is found to be incorrect.

iii. A service fee for all temporary service will be charged in the amount of \$35.00 per each request for temporary service.

iv. A processing fee and/or reconnection fee will be charged in the amount of \$50.00 for each reconnection required of the County.

v. The service deposit payable at the time of initiation of service will be \$50.00 for water service and \$70.00 for sewer service. Deposits will be refundable in accord with the regulations of the County.

## **ARTICLE II**

### **MISCELLANEOUS PROVISIONS**

**SECTION 2.01. SEVERABILITY.** If any article, section, subsection, paragraph, phrase, or word of this Ordinance for any reason is held to be unconstitutional or invalid, such holdings shall not affect the remaining portions hereof and this Ordinance shall be construed to have the legislative intent to pass this Ordinance without such unconstitutional or invalid part.

**SECTION 2.02. EFFECTIVE DATE AND APPLICABILITY.** This Ordinance shall take effect upon filing with the Secretary of State. Except as specifically provided otherwise herein, this Ordinance shall supersede all other ordinances of Columbia County to the extent such other ordinances are in conflict herewith.

DULY ADOPTED this \_\_\_ day of \_\_\_\_\_, 2010.

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

By: \_\_\_\_\_  
Chairman

**ATTEST:**

\_\_\_\_\_  
Clerk of Court

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**PROPOSED  
OIL AND GREASE  
ORDINANCE**

**ORDINANCE NO. 2010-13**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA IMPLEMENTING AN OIL AND GREASE MANAGEMENT AND PREVENTION PROGRAM INCLUDING PROVISIONS FOR ADMINISTRATIVE PROCEDURES, ENFORCEMENT, PENALTIES AND INJUNCTIVE RELIEF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE AND APPLICABILITY.**

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

**ARTICLE I  
OIL AND GREASE MANAGEMENT PROGRAM**

**SECTION 1.1. PURPOSE AND INTENT.** The purpose of this Ordinance is for implementation of an Oil and Grease Management Program which shall be referred to as the "County Oil and Grease Management Program". The objective of the County Oil and Grease Management Program is to minimize the introduction of fat-soluble wastes to the County wastewater collection and treatment system and to provide enforcement procedures and cost recovery charges from users receiving and treating abnormally high-strength compatible wastes, such as carbonatious biochemical oxygen demand (CBOD) and total suspended solids (TSS).

**SECTION 1.2. DEFINITIONS.**

**"Backflush"** means the act of returning previously removed material to a grease interceptor or trap.

**"Baffles"** means the interior walls of a grease interceptor or trap that slows the flow of water.

**"BOD" or "BIOCHEMICAL OXYGEN DEMAND"** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees Celsius, expressed in terms of weight and concentration (milligrams per liter).

**"CBOD"** means Carbonatious Biochemical Oxygen Demand.

**"Decanting"** means the act of returning water to a grease interceptor or trap that has been separated from the waste removed from a grease interceptor or trap.

**"Emulsions"** means a mixture of two immiscible (unblendable) substances. One substance (the dispersed phase) is dispersed in the other (the continuous phase). Examples of emulsions include butter and margarine, milk and cream, espresso, mayonnaise, etc.

**"OGMP"** means the Oil and Grease Management Program.

**"POTW"** means the Publicly Owned Treatment Works of the Columbia County Wastewater Treatment Plant.

**"Sludge"** means settled material found on the bottom of a grease interceptor or trap.

**"TSS"** or **"Total Suspended Solids"** means all solids that either float on the surface or are in suspension in water, sewage, wastewater or other liquids and which are removable by laboratory filtering.

**"User"** means any nonresidential establishment that prepares, processes or serves food or food products and any nonresidential establishment that has the potential to discharge wastes containing residual petroleum based oil and grease and shall include owners of multifamily dwellings, such as triplexes, quadraplexes, townhouses, condominiums, apartment buildings and apartment complexes.

**"Wastewater"** means any water that has been adversely affected in quality. It comprises liquid waste discharged by domestic residences, commercial properties, industry, and/or agriculture and can encompass a wide range of potential contaminants and concentrations.

## **ARTICLE 2 OIL AND GREASE PREVENTION PROGRAM**

### **SECTION 2.01. GENERAL CRITERIA.**

(A) The discharge by a user to the publicly owned treatment works (POTW) of certain liquids or wastes may be prohibited or limited by the provisions of this Ordinance.

(B) Wastes, which contain oil and grease, may be discharged to the POTW in accordance with the conditions set forth in this Ordinance.

(C) Wastes containing oil and grease, including materials processed through garbage grinders shall be directed to the grease interceptor or trap.

(D) Wastes containing residual (trace amounts) petroleum based oil and grease shall be directed to the oil/water separator.

(E) Sanitary facilities and other similar fixtures shall not be connected or discharged to the oil and grease interceptor or the oil/water separator.

(F) Liquid wastes shall be discharged to the oil and grease interceptor or oil/water separator through the inlet pipe only and in accordance with the design/operating specifications of the device.

(G) Oil and grease interceptors and oil/water separators shall be installed in a location that provides easy access at all times for inspections, cleaning and proper maintenance, including pumping. Oil and grease interceptors shall not be located in or near any part of a structure where food handling is done. The County shall approve the location of the oil and grease interceptor or oil/water separator prior to installation.

(H) Nonresidential establishments (users) that prepare process or serve food or food products shall have an approved oil and grease interceptor. Nonresidential establishments that have the potential to discharge wastes containing residual petroleum based oil and grease, such as commercial laundries, car washes and automotive related facilities, shall have an approved oil/water separator. Other users may be required by the County to install an approved oil and grease interceptor or an oil/water separator, as appropriate, for the proper handling of wastes containing oil and grease exceeding one hundred (100) mg/l by weight.

(I) Other types of food manufacturing or food preparation enterprises, such as, but not limited to, commissaries, commercial kitchens and caterers shall install an oil and grease interceptor. Oil and grease interceptors shall be sized on an individual case by case basis. A control manhole or inspection box for monitoring purposes shall be required and installed at the owner/operator's sole expense, as approved by the County.

(J) Multifamily dwellings; such as triplexes, quadraplexes, townhouses, condominiums, apartment buildings, apartment complexes or areas of intensified dwelling which are found by the County to be contributing oil and grease in quantities sufficient to cause main line stoppages, lift station malfunctions, or necessitate increase maintenance on the collection system, said user(s) shall be directed to implement an onsite education program for the tenants of said structures. Cease discharging oil and grease to the POTW and/or shall be required to install a grease and oil interceptor. The capacity of the oil and grease interceptor shall be evaluated on a case by case basis. A control manhole or inspection box for monitoring purposes shall be required and installed at the owner/operator's sole expense, as approved by the County.

(K) Automotive related enterprises, commercial laundries, Laundromats, and other users, which contribute wastes containing petroleum (hydrocarbon) based oils and greases shall install an oil/water separator. Oil/water separators shall be sized on an individual case by case basis using established design guidelines for the proposed facility. A control manhole or inspection box shall be installed downstream.

(L) Oil and grease interceptors and oil/water separators shall be installed solely at the user's expense. Proper operation, maintenance, and repair shall be done solely at the user's expense.

(M) Minimum removal efficiency for oil and grease interceptors for animal fats and vegetable oils shall be eighty percent (80%). Minimum removal efficiency for oil/water separators for trace petroleum based wastes shall be ninety percent (90%).

(N) The County may request that the non-residential user provide documentation on the design and performance of the oil and grease interceptor or oil/water separator. Information to be submitted includes, but may not be limited to, catalog cuts, performance data, materials of construction, installation instructions and operation and maintenance manual.

(O) The County may assign a nonresidential user to the Surcharge Program.

#### **SECTION 2.02. DESIGN.**

(A) Oil and grease interceptors and oil/water separators shall be designed and constructed in accordance with this Ordinance, the County's "Columbia County Water and Wastewater Technical Manual", latest edition, and other applicable State and local regulations. The County shall approve design and construction

(B) The design of oil/water separators shall be based on peak flow and where applicable, capable of treating and removing emulsions. Oil/water separators shall be sized to allow efficient removal (retention) of the petroleum-based oils and grease from the user's discharge to the POTW.

(C) Alternative oil and grease removal devices or technologies shall be subject to written approval by the County and shall be based on demonstrated (proven) removal efficiencies. Under-the-sink oil and grease interceptors are prohibited for new facilities.

(D) An adequate number of inspection and monitoring points, such as a control manhole or inspection box, shall be provided.

**SECTION 2.03. CAPACITY.** The capacity of the approved oil and grease interceptor and oil/water separator shall be in accordance with the requirements set forth in the latest edition of the "Columbia County Water and Wastewater Technical Manual". The County may modify the requirements on a case by case basis.

## **SECTION 2.04. INSTALLATION.**

(A) New Facilities. On or after the effective date of this Ordinance, facilities having the potential to discharge oil and grease, which are newly proposed or constructed, or existing facilities which shall be expanded or renovated to include a food service facility where such facilities did not previously exist, shall be required to install an approved, properly operated and maintained oil and grease interceptor or oil/water separator. Sizing calculations shall be in accordance to the formulas listed in the County's Columbia County Water and Wastewater Technical Manual, latest edition. Oil and grease interceptors or oil/water separators shall be installed prior to the opening or reopening of said facilities.

(B) Existing Facilities.

1. On or after the effective date of this Ordinance, existing food service or automotive related facilities shall be required to install an approved, properly operated and maintained oil and grease interceptor or oil/water separator when any of the following conditions exist:

(a) The facilities are found by the County to be contributing oils and grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the collection system.

(b) Remodeling of the food preparation or kitchen waste plumbing facilities that are subject to a permit that is issued by the Building Department.

(c) Remodeling of an automotive related enterprise, commercial laundry or other users that potentially may contribute wastes with petroleum based oils and greases.

2. The County shall determine the compliance date under this Subsection.

**SECTION 2.05. EXTENSIONS.** Any requests for extensions to the required installation dates must be made in writing to the County, at least fifteen (15) days in advance of the compliance date. The written request shall include the reasons for the user's failure or inability to comply with the compliance date set forth, the additional time needed to complete the remaining work, and the steps to be taken to avoid future delays.

## **SECTION 2.06. MAINTENANCE.**

(A) The user shall perform cleaning and maintenance. Cleaning shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids.

(B) Decanting, backflushing or discharging of removed wastes back into the oil and grease interceptor or oil/water separator from which the waste was removed or any other oil and grease interceptor or oil/water separator, for the purpose of reducing the volume to be hauled and disposed is prohibited.

(C) Oil and grease interceptors and oil/water separators shall be pumped out completely at a minimum frequency of once every ninety (90) days, or more frequently as needed to prevent carry over of oil and grease into the collection system. Under the sink oil and grease traps shall be cleaned at a minimum frequency of once per week, or more often as necessary to prevent pass through of grease and other food solids to the collection system. Cleaning and maintenance shall include removal of materials from the tank walls, baffles, cross pipes, inlets and outlets.

(D) Pumping frequency shall be determined by the County based on flows, quantity of oil and grease in the discharge, volume of business, hours of operations and seasonal variations. In no case shall the pumping frequency exceed ninety (90) days. The user shall be responsible for maintaining the oil and grease interceptor or oil/water separator in such a condition for efficient operation. An interceptor shall be considered to be out of compliance if the grease layer on top exceeds six (6) inches and the solids layer on the bottom exceeds twelve (12) inches or if removal efficiencies as determined through sampling and analysis indicate less than eighty percent (80%) .

(E) Wastes removed from each oil and grease interceptor or oil/water separator shall be disposed at a permitted facility to receive such wastes or a location designated by the County for such purposes, in accordance with the provisions of this Ordinance. In no way shall the pumpage be returned to any private or public portion of the collection system or the treatment plants.

(F) Additives placed into the oil and grease interceptor, oil/water separator or building discharge line system on a constant, regular or scheduled basis shall be reported to the County in writing at least five (5) days prior to use. Such additives shall include, but not be limited to, emulsifiers, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate grease and oils. The County prior to introduction into the waste stream, interceptor, or separator shall approve any use of additives in writing. The use of additives in no way shall be considered, as a substitution to the maintenance procedures required herein.

(G) Flushing the oil and grease interceptor or oil/water separator with water having a temperature in excess of 140° F shall be strictly prohibited.

(H) All maintenance of oil and grease management devices, including proper disposal, shall be performed by the user at the user's sole expense.

## **SECTION 2.07. USER IDENTIFICATION.**

(A) It is unlawful for any facility producing oil and grease waste to discharge into the County's collection system without authorization from the County. Authorization shall be given in the form of an oil and grease discharge certificate. Application for a certificate shall be made to the County. If, after examining the information contained in the oil and grease registration certificate application, it is determined by the County that the proposed facility does not conflict with the provisions of the Ordinance, a certificate shall be issued allowing the discharge of such wastes into the collection system. Each oil and grease registration certificate shall be issued for a time not longer than five years from the date of the certificate. The user shall apply for certificate re-issuance a minimum of sixty (60) days prior to the expiration of the user's existing certificate. The terms and conditions of the certificate may be subject to modification by the County during the term of the certificate as limitations or requirements as identified in this Ordinance are modified or other just causes exist. The user shall be informed of any proposed changes in the issued certificate at least sixty days prior to the effective date of the change(s). Any changes or new conditions in the certificate shall include a reasonable schedule for compliance.

(B) As a condition precedent to the granting of an oil and grease registration certificate, the recipient under this section shall agree to hold harmless the County and the County's employees from any liabilities arising from the user's operations under this certificate.

(C) The County shall establish a schedule of charges for issuance and renewal of the oil and grease registration certificates. The charges shall be established to insure full cost recovery in the enforcement of this ordinance, and shall include, but shall not be limited to, the cost of field, administrative, engineering and clerical expenses involved. The schedule of charges shall be on file at the Office of the County Manager or his designee and shall be available to the public.

## **SECTION 2.08. ADMINISTRATIVE PROCEDURES.**

(A) A manifest that confirms pumping, hauling, and disposal of waste shall be kept by user to track pumpage from oil and grease interceptors and oil/water separators. This manifest shall contain the following information:

1. Generator information:
  - Name
  - Contact Person
  - Address
  - Telephone Number
  - Volume Pumped
  - Date and Time of pumping

- Name and Signature of generator verifying generator information.

2. Transporter information:

- Company Name
- Address
- Telephone Number
- Volume Pumped
- Date and Time of pumping
- Driver Name and Signature of transporter verifying transporter information and service
- Destination Information Disposal Site or Facility:
  - Company Name I Permit Number(s)
  - Contact Person(s)
  - Address
  - Telephone Number
- Location of Disposal Site/Facility
- Volume Treated
- Date and Time of Delivery
- Driver Name, Signature and Vehicle No.
- Name and Signature of operator verifying disposal site and facility information.

(B) The user shall maintain a log of pumping activities for the previous twelve (12) months. The user shall post the log of pumping activities in a conspicuous location for immediate access. The log shall include the date, time, volume pumped, hauler's name and license number and hauler's signature. The user shall report pumping activities within forty-eight (48) hours to the County on the form so designated by the County for such purposes.

(C) The user shall maintain a file on site of the records and other documents pertaining to the facility's oil and grease interceptor or oil/water separator. The file contents shall include, but is not limited to, the record (as-built) drawings, record of inspections, log of pumping activities and receipts, log of maintenance activities, hauler information, disposal information and monitoring data. The file shall be available at all times for inspection and review by the County.

(D) The County may require the user to provide, operate and maintain at the user's expense, appropriate monitoring facilities, such as a control manhole, that are safe and accessible at all times, for observation, inspection, sample collection and flow measurement of the user's discharge to the POTW. The County may impose additional limitations and monitoring requirements for the discharge to the POTW in accordance with the provisions set forth in this Ordinance.

## **SECTION 2.09. ENFORCEMENT.**

(A) A Notice of Violation shall be issued to a user for failure to:

1. Report pumping activities;
2. Properly maintain (clean-out or pump) the interceptor or separator in accordance with the provisions of the oil and grease discharge certificate;
3. Maintain and post the log of pumping activities;
4. Maintain a file of records on site at all times;
5. Provide logs, files, records, or access for inspection or monitoring activities;
6. Obtain or renew the oil and grease discharge certificate registration; or
7. Pay program fees.

(B) The County may serve any user a written notice stating the nature of violation. The user shall have seventy-two (72) hours to complete corrective action and submit evidence of compliance to the County.

(C) If a user violates or continues to violate the provisions set forth in this section or fails to initiate/complete corrective action within the specified time period in response to a Notice of Violation, then the County may pursue one or more of the following options:

1. Pump the oil and grease interceptor or oil/water separator and place the appropriate charge on the user's monthly sewer bill;
2. Collect a sample and assess the appropriate surcharge (2) for compatible wastes in accordance with the provisions of this Ordinance;
3. Impose an administrative penalty;
4. Assess a reasonable fee for additional inspection, sample collection and laboratory analyses;
5. Revoke the County occupational license;
6. Terminate water and sewer service; or

7. Any combination of the above enforcement actions.

(D) Progressive enforcement action shall be pursued against users with multiple violations of the provisions of this section including, but not limited to, termination of water service.

(E) The user shall pay all outstanding fees, penalties, and other utility charges prior to reinstatement of water and sewer service.

(F) Any user in the Oil and Grease Management Program found in violation of the provisions in this Ordinance, and any orders, rules, regulations and permits that are issued pursuant to this Ordinance, shall be served by the County with written notice by personal delivery by an authorized County employee or by registered or certified mail that states the nature of the violation and providing a reasonable time limit for satisfactory correction of the violation. The affected user shall permanently cease all violations within the time period specified in the notice. The enforcement remedies available to the County to achieve compliance with the requirements of the OGMP shall include those in Ordinance 2010-1 and any Ordinance as may be enacted to address wastewater pretreatment requirements.

(G) The County may assign a non-residential user to the Surcharge Program for noncompliance with the provisions of this Ordinance.

**SECTION 2.10. PERMITS.** The County shall issue a Certificate of Registration to the users in the OGMP. The County may require users to complete an information questionnaire and facility visit prior to issuance of the registration certificate.

**SECTION 2.11. OIL AND GREASE MANAGEMENT Enforcement; COST RECOVERY CHARGES.** The County may adopt a schedule of charges as deemed necessary to enforce the requirements and programs in this ordinance. These charges are imposed to recover the costs incurred by the County to implement and enforce the provisions of this ordinance. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties assessed by the County.

**SECTION 2.12. INJUNCTIVE RELIEF.** When the County Manager finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard of requirement, the County Manager may petition the circuit court through the City's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Ordinance on activities of the user. The County Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental

remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

**SECTION 2.13. CIVIL PENALTIES.**

(A) A user who has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the County for a maximum civil penalty of \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(B) The County shall be entitled to recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, regulatory fines or penalties, and the cost of any actual damages incurred by the County.

(C) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

**SECTION 2.14. REMEDIES NONEXCLUSIVE.** The remedies provided for in this article Ordinance are not exclusive. The County Manager or his designee may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the County's enforcement response plan. However, the County Manager or his designee may take other action against any user when the circumstances warrant. Further, the County Manager or his designee is empowered to take more than one enforcement action against any noncompliant user.

**ARTICLE III  
MISCELLANEOUS PROVISIONS**

**SECTION 3.01. SEVERABILITY.** If any article, section, subsection, paragraph, phrase, or word of this Ordinance for any reason is held to be unconstitutional or invalid, such holdings shall not affect the remaining portions hereof and this Ordinance shall be construed to have the legislative intent to pass this Ordinance without such unconstitutional or invalid part.

**SECTION 3.02. EFFECTIVE DATE AND APPLICABILITY.** This Ordinance shall take effect upon filing with the Secretary of State. Except as specifically provided otherwise herein, this Ordinance shall supersede all other ordinances of Columbia County to the extent such other ordinances are in conflict herewith.

**DULY ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2010.

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

By: \_\_\_\_\_  
Chairman

**ATTEST:**

\_\_\_\_\_  
Clerk of Court

**PROPOSED**

**MAIN EXTENSION ORDINANCE**

**ORDINANCE NO. 2010-6**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA; RELATING TO RULES FOR THE PROVISION OF MAIN EXTENSIONS FOR WATER, WASTEWATER AND RECLAIMED WATER SERVICES AND FACILITIES; AUTHORIZING THE IMPOSITION AND COLLECTION OF MAIN EXTENSION PARCEL CONTRIBUTIONS INCLUDING MAIN EXTENSION SPECIAL ASSESSMENTS AGAINST PROPERTY; PROVIDING FOR DEFINITIONS; ESTABLISHING A PROCEDURE FOR IMPOSING MAIN EXTENSION SPECIAL ASSESSMENTS; PROVIDING THAT MAIN EXTENSION SPECIAL ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT RESOLUTION; PROVIDING THAT THE LIEN FOR A MAIN EXTENSION SPECIAL ASSESSMENT SHALL ATTACH TO THE PROPERTY ON THE DATE OF THE ADOPTION OF AN ASSESSMENT RESOLUTION; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA:

**ARTICLE I**

**INTRODUCTION**

**SECTION 1. INTENT.** It is the intent of the County to establish procedures to facilitate the orderly expansion of the County's water and wastewater systems, including a reclaimed water system, and provide alternatives for funding such expansion by those benefiting thereby. Where there are no existing Mains or other facilities available to provide water, wastewater or reclaimed water service to a Developer's property located within or outside of the County's boundaries, the County

may authorize, pursuant to the provisions of this Ordinance, an extension of a County Main and construction of other facilities as may be necessary to provide service provided that the Developer has first filed an application for service and entered into a Developer's Agreement or Refundable Advance Agreement with the County, as may be required by the County.

**SECTION 2. DEFINITIONS.** As used in this Ordinance, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

**"Assessable Costs"** means the total cost of the Off-Site Facilities assessed to Benefited Parcels, plus costs incurred by the County in the structure, imposition, collection, and enforcement of the Main Extension Special Assessments.

**"Assessment Resolution"** means the resolution adopted by the County imposing a Main Extension Special Assessment and adopted in conformity with Article IV of this Ordinance.

**"Benefited Parcels"** means all Tax Parcels that are benefited by the provision of potential utility access from the construction of the Off-Site Facilities as provided in the Refundable Advance Agreement other than Tax Parcels owned by the Developer that is a party to such Agreement.

**"Board of County Commissioners"** means the Board of County Commissioners of Columbia County, Florida.

**"County"** shall mean Columbia County, Florida.

**"Developer"** means any individual, partnership, corporation, owner, subdivider, or any other entity who proposes or undertakes the construction of water, wastewater or

reclaimed water facilities to provide service for any property or properties, area, development or subdivision in which the water, wastewater or reclaimed water facilities are to be extended from, connected to or ultimately become part of the water, wastewater or reclaimed water system of the County.

**"Developer's Agreement"** means a written agreement setting forth in detail the terms and conditions under which the County will render services to a Developer's property.

**"Main"** means a water, wastewater, or reclaimed water pipe, conduit or facility which conveys utility service to individual service lines or to other Mains.

**"Main Extension Capacity Fee"** means a charge other than a Main Extension Special Assessment as may be identified in a Refundable Advance Agreement and calculated in the manner provided in such Agreement or otherwise established by the Board of County Commissioners.

**"Main Extension Parcel Contribution"** means the prorata share of the cost of the Off-Site Facilities attributable to each Benefited Parcel determined under the method of apportionment adopted by the County or as may be established in the Assessment Resolution or by the method of calculation of the Main Extension Capacity Fee provided in the applicable Developer Agreement or Refundable Advance Agreement.

**"Main Extension Special Assessment"** means a special assessment levied and imposed by the County on Benefited Parcels to recover Assessable Costs and which may be refunded to a Developer pursuant to a Refundable Advance Agreement.

**"Main Extension Special Assessment Area"** means those Tax Parcels identified by the County as benefiting from the construction of Off-Site Facilities which permit the County to provide water, wastewater or reclaimed water service to such parcels.

**"Off-Site Facilities"** means the water transmission and distribution Mains and facilities to be constructed either to provide water service, including reclaimed water service, or to collect wastewater from properties served or to be served by the County and which may be described in a Refundable Advance Agreement, including, but not limited to, (a) wells, storage and pumping facilities and the wastewater collection trunk Mains and facilities; (b) manholes, wastewater force Mains, lift stations, and reclaimed water Mains; and (c) storage and pumping facilities, the purpose of which are either to provide water service, including reclaimed water service, to properties or to collect wastewater received from properties served or to be served by the County.

**"On-Site Facilities"** means the portion of the water treatment and distribution system, the wastewater collection and treatment system or the reclaimed water system that has been, or is to be, located wholly within the property to which service is to be extended, excluding water service lines located downstream of the County's meter and wastewater collection lines and reclaimed water lines located on individual lots and not conveyed to the County.

**"Refundable Advance"** means property transferred to the County by a Developer in order to receive water, wastewater or reclaimed water service. The advance is made so that the proposed extension may be rendered economically feasible and so that service may be obtained from the County by the Developer. As

Benefited Parcels connect to the water, wastewater or reclaimed water system, portions of the advance, without interest, may be returned to the Developer over a specified period of time in accordance with a Refundable Advance Agreement. In no event shall a Developer recover an amount greater than the difference between the cost of Off-Site Facilities transferred to the County and the Developer's own proportionate share of such costs, without interest, as determined by the County.

**"Refundable Advance Agreement" or "Agreement"** means a Developer's Agreement containing a provision by which the County agrees to repay the Developer for a portion of Off-Site Facilities constructed by Developer and transferred to the County in the manner set forth in such agreement. In no event shall a Developer recover an amount greater than the difference between the cost of Off-Site Facilities transferred to the County and the Developer's own proportionate share of such costs, without interest, as determined by the County.

**"Tax Parcel"** means a parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

**"Water Equivalent Residential Connection" or "Water ERC"** means (a) 350 gallons per day, (b) the number of gallons the County demonstrates is the average daily flow for a single residential unit, or (c) the number of gallons which has been approved by the Department of Environmental Protection for a single residential unit.

**"Wastewater Equivalent Residential Connection" or "Wastewater ERC"** means (a) 350 gallons per day, (b) the number of gallons the County demonstrates is the average daily flow for a single residential unit, or (c) the number of gallons which

has been approved by the Department of Environmental Protection for a single residential unit.

**SECTION 3. GENERAL FINDINGS.** It is hereby ascertained, determined, and declared that:

(A) Pursuant to Article VIII, section 1, Florida Constitution, and sections 125.01 and 125.66, Florida Statutes, the Board has all powers of local self-government to perform county functions and to render county services except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of County ordinances.

(B) The purpose of this Ordinance is to: (1) provide procedures and standards for the imposition of Main Extension Parcel Contributions under the general home rule powers of a county and specifically to authorize the imposition of Main Extension Special Assessments; (2) authorize a procedure for the funding of water, wastewater and reclaimed water services, facilities, or programs providing special benefits to property through Main Extension Parcel Contributions and specifically through Main Extension Special Assessments; and (3) legislatively determine the special benefit provided to Benefited Parcels from the provision of water, wastewater and reclaimed water services by the County.

**SECTION 4. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT.** It is hereby ascertained and declared that the water, wastewater and reclaimed water services and facilities comprising the Assessable Costs provide a special benefit to property because water, wastewater and reclaimed water services and facilities possess a logical relationship to the use and enjoyment of improved property by: (1)

facilitating the development of property and increasing the use and enjoyment thereof; (2) positively affecting the marketability and market value of the property by the presence of central water treatment and supply, and central sewage collection, treatment and disposal including the provision of reclaimed water services; (3) providing safe and sufficient supplies of water for improved property; (4) properly and safely disposing of sewage generated from improved property; and (5) enhancing improved property through the environmentally responsible use and enjoyment of the property.

## **ARTICLE II**

### **MAIN EXTENSION RULES**

**SECTION 5. DECLARATION OF MAIN EXTENSION RULES.** Whenever an extension to water, wastewater or reclaimed water Mains is required to provide service to a Developer's property and the Board of County Commissioners makes a determination that the Off-Site Facilities are to be advance funded by the Developer as a condition of development approval, the Main extension shall be constructed by the Developer in accordance with the rules and procedures provided in this Ordinance.

**SECTION 6. CONDITIONS FOR APPROVAL OF REFUNDABLE ADVANCE AGREEMENT.**

(A) The County shall consider the approval of a Refundable Advance Agreement at the time of the Developer's request for service as a special funding arrangement available within its discretion to defray the cost of any Off-Site Facilities necessary to provide service to the Developer's property under the following circumstances:

(1) the Main extension and other Off-Site Facilities will enable the County to serve properties in addition to the Developer's property;

(2) the County determines that an extension to the Developer's property is economically justified or is appropriate to improve system reliability or efficiency;

(3) the location, size or proposed density of the Developer's property make adequacy of service to such property dependent upon the construction of Off-Site Facilities which will also benefit future customers of the County;

(4) the County believes it is prudent to expedite the installation of Off-Site Facilities based on flows expected from the Developer's property and adjacent properties;

(5) the County has plans for Mains or Off-Site Facilities that are larger than necessary to serve the Developer's property and the County requires that the Off-Site Facilities be oversized to enable service to be provided to such additional territory;  
or

(6) such other facts exist which render it fair and reasonable for the County and the Developer to enter a Refundable Advance Agreement within the discretion of the Board of County Commissioners.

(B) *Basis of Refundable Advance.* The amount of the Refundable Advance will be based on the actual cost of the Off-Site Facilities less the Developer's proportionate share of such costs. No interest shall accrue to the Developer on any Refundable Advance at any time.

(C) *Limits on refund.* Notwithstanding any other provisions of this Ordinance, the term of the Refundable Advance Agreement shall be as provided in the Agreement and such term shall not exceed five (5) years, after which time no further refund shall be made to the Developer. Main Extension Special Assessments or Main Extension Capacity Fees which may be collected by the County after expiration of a Refundable Advance Agreement will be retained by the County and such Refundable Advance Agreement will be canceled. In no event shall a Developer recover an amount greater than the difference between the cost of Off-Site Facilities transferred to the County and the Developer's own proportionate share of such costs, as determined by the County. Any Main Extension Special Assessments or Main Extension Capacity Fees collected by the County and not refunded to a Developer pursuant to a Refundable Advance Agreement shall be placed in a separate capital improvement fund and shall be used for the construction, acquisition, addition, extension, renewal and replacement to water, wastewater and reclaimed water facilities of the County, as appropriated from time to time by the Board of County Commissioners, or for such other utility purpose as may be approved by the Commission, provided also that the earnings of the sums placed into such fund also shall be retained in the fund. If funds are collected by the County through a Main Extension Special Assessment, such funds, and earnings thereon, shall be used to construct, acquire, add, extend, renew or replace water, wastewater or reclaimed water facilities providing a benefit to Benefited Parcels or for such other utility purpose as may be approved by the Commission.

**SECTION 7. APPLICATION FOR MAIN EXTENSIONS.** The Developer shall submit to the County an application for service containing information regarding

the specific Main extension and other On-Site Facilities and Off-Site Facilities to be constructed by the Developer. The application shall include, at a minimum, the following information, if applicable:

(A) A legal description of the property to be served including reference to section, township and range.

(B) A drawing of the property showing its boundaries.

(C) The present zoning classification of the property.

(D) A plat map.

(E) Three sets of a site and utility plan (and floor plan for commercial developments).

(F) The intended land use of the development, including densities and types of use.

(G) The name and address of the person or entity making the application for service.

(H) The nature of the Developer's title to or interest in the described property.

(I) Estimated number of Water Equivalent Residential Connections and Wastewater Equivalent Residential Connections to be served by the proposed Main extension.

(J) The date, or estimated date, that service will be needed.

(K) An identification by maps, engineering drawings, plans or list of projected project elements of the Off-Site Facilities and On-Site Facilities proposed to be constructed by the Developer.

**SECTION 8. RULES FOR EXTENDING MAINS TO DEVELOPER.** The extension of a Main or construction of other facilities determined by the County to be necessary to provide service shall be constructed by Developer and may be constructed pursuant to the terms and conditions of a Developer Agreement or Refundable Advance Agreement. The Developer shall design, permit, construct, install and pay for the required Main extension and other On-Site and Off-Site Facilities. All Developer Agreements or Refundable Advance Agreements are subject to the approval of the County at the discretion of the Board of County Commissioners and shall be proposed in accordance with the following:

(A) The Developer shall be responsible for the planning, design, permitting, and development of construction drawings needed to serve the proposed development. All designs and construction shall be in accordance with the requirements set forth in the County's Water and Wastewater Technical Manual. By way of further explanation, the Developer will be responsible for the following:

(1) *Design of new facilities.* The Developer will retain the services of a registered professional engineer to prepare all plans and specifications for On-Site Facilities and Off-Site Facilities necessary to connect to the County's system at points designated by the County. The plans and specifications must be reviewed and approved by the County prior to submission to any regulatory agency. The Developer also shall reimburse the County for all costs associated with the performance of these reviews. Main extensions shall be extended across the full property frontage to facilitate future connections and extensions.

(2) *Approvals and permits.* The Developer shall be required to obtain all necessary approvals and permits for construction of the On-Site Facilities and Off-Site Facilities from the appropriate regulatory agencies.

(3) *Construction of facilities.* The Developer will, at its own expense, construct and install all On-Site Facilities and Off-Site Facilities in accordance with the plans and specifications as approved by the County. Additionally, the Developer shall be responsible for certifying to the appropriate regulatory agency that the On-Site Facilities and Off-Site Facilities have been installed and tested in accordance with the plans and specifications prepared by the engineer for Developer and approved by the County.

(4) *Warranty on workmanship.* The Developer shall warrant all On-Site Facilities and Off-Site Facilities against defect in materials and workmanship for a period of one year and 30 days from the date of acceptance of the On-Site Facilities and Off-Site Facilities by the County.

(5) *Inspection of facilities.* The County shall have the right to inspect the construction of all Developer facilities including On-Site Facilities and Off-Site Facilities. Additionally, within sixty (60) days after the completion, certification and conveyance to the County of the On-Site Facilities and Off-Site Facilities, the County may perform an inspection of the On-Site Facilities and Off-Site Facilities to ensure compliance with the plans and specifications previously approved by the County and the County's Water and Wastewater Technical Manual. The Developer shall complete any changes required by the County to achieve such compliance, at the Developer's

cost. The Developer also shall reimburse the County for all costs associated with the performance of these inspections.

(6) *Conditions precedent to acceptance of title.* Prior to a letter of acceptance of title to the On-Site Facilities and Off-Site Facilities being issued by the County, and before the County shall accept the responsibility for operation and maintenance of the On-Site Facilities and Off-Site Facilities, the Developer shall provide, without charge to the County, the following information:

(a) Cost Report - which shall detail, as provided for under Generally Accepted Accounting Principles as pronounced by the Governmental Accounting Standards Board, all costs incurred in the construction of the On-Site Facilities and Off-Site Facilities, including engineering, inspection, and administrative costs and which specifically shall include, but not be limited to, a breakdown of costs by pipe size and utility service, indicating pipe size, pipe type, installed footage and cost;

(b) "As-Built-Plans" - such plans shall be signed and sealed by a professional engineer (three signed paper copies), provided in electronic format using the latest version of AutoCad then available as well as a copy on 24"x36" Mylar, must show precise location of all lines and appurtenances tied to 1988 state plane coordinates and be consistent with the As-Built requirements set forth in the County's Water and Wastewater Technical Manual;

(c) Easements - as required;

(d) Contractor's waiver and release of lien;

(e) Contractor's letter of warranty or Developer's contract bond;

(f) Bill of Sale; and

(g) All required fees and charges.

(7) Conveyance of title. Developer shall convey title to the On-Site Facilities and Off-Site Facilities to the County immediately upon issuance of the County's letter of acceptance of such facilities.

### **ARTICLE III**

#### **COLLECTION OF A CHARGE, FEE OR SPECIAL ASSESSMENT FROM BENEFITED PARCELS**

**SECTION 9. MAIN EXTENSION CHARGE, FEE OR SPECIAL ASSESSMENT.** In areas where Off-Site Facilities are installed, the County shall have the right and power to charge Benefited Parcels a Main Extension Special Assessment or a Main Extension Capacity Fee as a condition to the issuance of a building permit as provided in Sections 12 or 13 of this Ordinance, whichever section is applicable. The Main Extension Special Assessment or the Main Extension Capacity Fee shall be in addition to any other fee or charge collected by the County. Upon collection, the Main Extension Special Assessment or the Main Extension Capacity Fee shall be disbursed in the manner provided in the Developer Agreement or Refundable Advance Agreement.

### **ARTICLE IV**

#### **IMPOSITION AND COLLECTION OF MAIN EXTENSION SPECIAL ASSESSMENT OR MAIN EXTENSION CAPACITY FEE**

**SECTION 10. SPECIAL ASSESSMENT OPTION.** At the option of the County, the mechanism to provide payment of a Main Extension Parcel Contribution

imposed against Benefited Parcels may be the imposition of a Main Extension Special Assessment. The election of such assessment collection option shall be documented by the adoption by the County of an Assessment Resolution providing: (1) a description of the Main Extension Special Assessment Area by a listing or enumeration of the Tax Parcels found to be benefited by the On-Site Facilities; (2) a description of the Off-Site Facilities to be constructed and the Assessable Costs of such facilities; (3) a reference to the applicable Refundable Advance Agreement, if any; (4) the method of apportionment of the Assessable Costs among the Benefited Parcels within each Main Extension Special Assessment Area which method of apportionment may include: (a) a division of the area of a Benefited Parcel by the total area of all Benefited Parcels within the Main Extension Special Assessment Area and multiplying the product by the Assessable Costs; (b) a division of the projected Water or Wastewater ERCs projected for each Benefited Parcel by the total Water or Wastewater ERCs to be served by the proposed Main extension and multiplying the product by the Assessable Costs; or (c) any other method of apportionment approved by the County; (5) approval of a Main Extension Special Assessment Roll containing: (a) a listing of all Benefited Parcels to be assessed a Main Extension Special Assessment within each Main Extension Special Assessment Area; and (b) the amount of the Main Extension Special Assessment imposed against each Benefited Parcel; and (6) approval of the form of the final Main Extension Assessment Notice to be recorded in the official records of the County, which notice form shall contain: (a) a legal description of the Benefited Parcel included on the Main Extension Special Assessment Roll and the tax identification number contained and assigned in the real property assessment roll maintained by the County Property

Appraiser; (b) the amount of the Main Extension Special Assessment imposed against each Benefited Parcel; (c) a reference to the applicable Assessment Resolution; (d) a reference to the applicable Refundable Advance Agreement, if any; and (e) a statement that the payment of the Main Extension Special Assessment is a condition to the platting of property, issuance of a building permit requiring connection to the utility system or the date of actual connection to the County's utility system, whichever event occurs first.

**SECTION 11. NOTICE OF ADOPTION OF THE ASSESSMENT RESOLUTION.** The Assessment Resolution imposing a Main Extension Special Assessment as a method of collection of a Main Extension Parcel Contribution shall be adopted at a public hearing. At least twenty (20) days prior to the public hearing, a notice of the time, date and place of the public hearing shall be published and the notice shall generally describe the Off-Site Facilities to be constructed, the estimated Assessable Costs and a geographic description of the Main Extension Special Assessment Area. In lieu of the publication of such notice, an individual notice of the public hearing to be held to adopt the Assessment Resolution may be provided by first class United States mail to the owner of each Benefited Parcel as reflected on the real property assessment roll maintained by the County Property Appraiser, which notice shall contain the information required to be included in the Main Extension Assessment Notice as set forth in Section 10 of this Ordinance.

**SECTION 12. PAYMENT OF MAIN EXTENSION SPECIAL ASSESSMENT AS A CONDITION OF THE PLATTING OF PROPERTY, THE ISSUANCE OF A BUILDING PERMIT OR CONNECTION TO THE COUNTY'S**

**WASTEWATER FACILITIES.** Payment of the Main Extension Special Assessment imposed against any Benefited Parcel shall be a condition to the platting of property, the issuance of a building permit requiring connection of the Benefited Parcel to the County's utility system or the date of actual connection to the County's utility system, whichever event occurs first.

**SECTION 13. PAYMENT OF MAIN EXTENSION CAPACITY FEE OR FEE AS A CONDITION OF THE ISSUANCE OF A BUILDING PERMIT.** In the event the payment of a Main Extension Capacity Fee or other fee is selected by the County as the mechanism for payment by Benefited Parcels of a Main Extension Parcel Contribution, prorated share of the cost of Off-Site Facilities, payment of such Main Extension Capacity Fee shall be a condition to the platting of property, the issuance of a building permit requiring connection of the Benefited Parcel to the County's utility system or the date of actual connection to the County utility system, whichever event occurs first.

**SECTION 14. ALLOCATION OF MAIN EXTENSION SPECIAL ASSESSMENTS UPON SUBDIVISION.**

(A) In the event any Benefited Parcel that is subject to a Main Extension Special Assessment is subsequently subdivided, the Main Extension Special Assessment shall be reallocated among the subdivision parcels upon application of the owner of the Benefited Parcel to the County requesting the reallocation which application shall contain the following: (1) a recorded plat, approved site plan or comparable document sufficient in detail to describe adequately the location of the original Benefited Parcel and the new individual parcels within the Benefited Parcel and

the acreage of each parcel in the proposed subdivision and (2) proof that the County Property Appraiser has assigned distinct ad valorem property tax identification numbers to each individual subdivided parcel or committed in writing to assign such numbers prior to the next ensuing August 1 or any later date approved by the County.

(B) Upon such application, the County by resolution shall take all necessary steps to reallocate the Main Extension Special Assessment to each subdivided Tax Parcel within the original Benefited Parcel following the same allocation method used in the initial Assessment Resolution and, as nearly as practicable, the provisions for notice, recording of notice and other provisions of this Ordinance as may apply to Main Extension Special Assessments.

**SECTION 15. LIEN OF MAIN EXTENSION SPECIAL ASSESSMENTS.**

All Main Extension Special Assessments shall constitute a lien against Benefited Parcels equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims, until paid. The lien for a Main Extension Special Assessment shall be deemed perfected upon the Commission's adoption of the Assessment Resolution. The lien for a Main Extension Special Assessment shall attach to the Benefited Parcel on the date of adoption of the Assessment Resolution.

**SECTION 16. REVISIONS TO MAIN EXTENSION SPECIAL ASSESSMENTS.** If any Main Extension Special Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the Commission is satisfied that any such Main

Extension Special Assessment is so irregular or defective that the same cannot be enforced or collected, or if the Commission has failed to include or omitted any Benefited Parcel which property should have been included in the Main Extension Special Assessment Area, or if circumstances change concerning a Benefited Parcel such that the Main Extension Parcel Contribution of a Benefited Parcel should be changed, the Commission may take all necessary steps to impose a new Main Extension Special Assessment against such Benefited Parcel, following as nearly as may be practicable, the provisions of this Ordinance and in case such second Main Extension Special Assessment is annulled, vacated, or set aside, the Commission may obtain and impose other Main Extension Special Assessments until a valid Main Extension Special Assessment is imposed.

**SECTION 17. PROCEDURAL IRREGULARITIES.** Any informality or irregularity in the proceedings in connection with the levy of any Main Extension Special Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Main Extension Special Assessment as finally approved shall be competent and sufficient evidence that such Main Extension Special Assessment was duly levied, that the Main Extension Special Assessment was duly made and adopted, and that all other proceedings adequate to such Main Extension Special Assessment were duly had, taken, and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

**SECTION 18. CORRECTION OF ERRORS AND OMISSIONS.** When it appears that any Main Extension Special Assessment should have been imposed under

this Ordinance against a parcel of property specially benefited by the provision of water, wastewater or reclaimed water services, facilities, or programs, but that such property was omitted from the Assessment Resolution; or such property was erroneously assessed; or was not listed on the Tax Roll as an individual parcel of property as of the effective date of the Assessment Resolution, the Commission may, upon provision of a notice by mail provided to the Owner of the omitted or erroneously assessed parcel, impose the applicable Main Extension Special Assessment.

**ARTICLE V**

**GENERAL PROVISIONS**

**SECTION 19. SEVERABILITY.** The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

**SECTION 20. DEVELOPER OBLIGATIONS.** Nothing contained in this Ordinance shall affect or alter the obligations of a Developer to construct and convey to the County any On-Site Facilities as a condition of development approval in such manner as may be required by applicable County ordinances, policies or rules including, but not limited to, the County's Water and Wastewater Technical Manual.

**SECTION 21. EFFECTIVE DATE AND APPLICABILITY.** This Ordinance shall take effect on \_\_\_\_\_, 2010, or upon filing with the Secretary of State, whichever occurs later. Except as specifically provided otherwise herein, this

Ordinance shall supersede all other ordinances of Columbia County to the extent such other ordinances are in conflict herewith.

**DULY ADOPTED THIS \_\_ DAY OF \_\_\_\_\_, 2010.**

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

\_\_\_\_\_  
Ronald W. Williams  
Chair

ATTEST:

\_\_\_\_\_  
Clerk

Approved as to form and correctness:

\_\_\_\_\_  
Marlin M. Feagle  
County Attorney

**PROPOSED**  
**CONNECTION ORDINANCE**  
**AMENDMENT**

**ORDINANCE NO. 2010-14**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA AMENDING ORDINANCE NO. 2010-2 OF COLUMBIA COUNTY AMENDING ARTICLE II, SECTION 2.03 TO PROVIDE THAT THE OWNERS OF LOTS OR PARCELS OF LAND SOLELY WITHIN EXCLUSIVE SERVICE AREAS OF THE COUNTY IDENTIFIED PURSUANT TO ORDINANCE 2010-1 SHALL BE REQUIRED TO CONNECT TO COUNTY WATER AND SEWER SYSTEMS ONLY UPON THE OCCURRENCE OF CERTAIN CIRCUMSTANCES DESIGNATED IN THIS ORDINANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE AND APPLICABILITY.**

**WHEREAS**, the County currently is in the process of constructing water and sewer systems, including water transmission and service lines and wastewater collection lines, in the unincorporated area of the County known as the Ellisville area; and

**WHEREAS**, it is the intent of the County to provide water and wastewater services promptly and efficiently to customers located in areas of the unincorporated County designated now or hereafter as a County "Exclusive Service Area" pursuant to Ordinance No. 2010-1, which Exclusive Service Area currently includes only the Ellisville area; and

**WHEREAS**, the County adopted Ordinance No. 2010-2 at a duly noticed public meeting on March 25, 2010 which, in part, provides in Article II, Section 2.03 that it shall be mandatory for every owner of a lot or parcel in the Ellisville area, constituting the only County Exclusive Service Area at the time of this amendment, within certain proximities of the County Water System and County Sewer System to connect the plumbing of any building or buildings thereon to such Systems; and

**WHEREAS**, the Board of County Commissioners desires to amend Article II, Section 2.03 of Ordinance No. 2010-2 to exclude parcels or lots in the County's Exclusive Service Area, currently only the Ellisville area, upon which a residential building or structure exists as of the effective date of this Ordinance from the mandatory connection requirement of Ordinance 2010-2 and to require such mandatory connection only upon the occurrence of certain events expressly identified in this Ordinance.

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

## ARTICLE I

### AMENDMENT TO ORDINANCE 2010-2

**SECTION 1.1. AMENDMENT TO ARTICLE II, SECTION 2.03 OF ORDINANCE 2010-2.** Article II, Section 2.03 of Ordinance 2010-2 is hereby amended and restated to read in its entirety as follows:

**SECTION 2.03. CONNECTIONS WITH WATER AND SEWER SYSTEMS.** If the County Water System or County Sewer System is available to a lot or parcel of land in the County's Exclusive Service Area and a residential building or structure located on that property on the effective date of this amending Ordinance is connected to an individual well, then that residential building or structure will be required to be connected to the County Water System only if (a) the well fails, (b) the well becomes contaminated or experiences a dry well condition, (c) a permit is requested from the County, State or other appropriate authority for a replacement well, (d) a change of ownership of the lot or parcel occurs other than by inheritance, or (e) the County otherwise makes a finding that a public health concern exists relating specifically to an identified lot or parcel. If the County Sewer System is available to a lot or parcel of land in the County's Exclusive Service Area, and a residential building or structure located on that property on the effective date of this Amendment is connected to a septic tank system, then that residential building or structure will be required to be connected to the County Sewer System only if (a) the septic tank fails, (b) a permit is requested from the County, State or other appropriate authority for a septic tank or drainfield replacement, (c) a change of ownership of the lot or parcel occurs other than by inheritance, or (d) the County makes a finding that a public health concern exists relating specifically to an identified lot or parcel. If a non-residential building or structure exists on a lot or parcel or if no building or structure is located on a lot or parcel at the time that the County Water System or County Sewer System is available but a building or structure, including a residential building or structure, is built subsequent to the effective date of this Ordinance, such building or structure will be required to be connected to the County Water System and/or County Sewer System and application therefore shall be made to the County by the owner of the lot or parcel before a building permit or other appropriate permit shall be issued by the County. All such connections shall be made in accordance

with the County Water and Wastewater Technical Manual and rules and regulations which shall be adopted from time to time by the Board, which rules and regulations shall provide for a charge for making connections in such reasonable amount as the Board may establish. Nothing herein shall affect liability for service charges as provided in this Ordinance or in other County ordinances. The County shall notify the owner of any affected improved lot or parcel of the availability of the central water and/or sewer service. For purposes of this subsection, "available" water and/or wastewater service shall mean, subject only to a determination by the County that supply, treatment and/or conveyance capacity exists or Connection is otherwise practicable with respect to any Connection, the following:

(A) For proposed residential or commercial subdivisions and for areas zoned or used for an industrial manufacturing purpose or its equivalent, or a single family residence or establishment any of which has an estimated sewage flow of 1,000 gallons per day or more, if the County Water System or County Sewer System is located within 1,320 feet of the development; or

(B) A single-family residence or establishment any of which has an estimated sewage flow of 1,000 gallons per day or less, if the County Water System or County Sewer System is located within 100 feet of a Potential Customer's lot-line.

(C) "Establishment" means any buildings or properties used for human occupancy, employment, recreation or other purposes, subject to the exclusions relating to residential buildings or structures existing on the effective date of this amending Ordinance, as provided in this Section.

**ARTICLE II**

**MISCELLANEOUS PROVISIONS**

**SECTION 2.1. DEFINITIONS.** Terms used in this Ordinance shall have the meaning provided in Section 5.04 of Ordinance 2010-2 unless modified or otherwise stated herein.

**SECTION 2.2. SEVERABILITY.** If any article, section, subsection, paragraph, phrase, or word of this Ordinance for any reason is held to be unconstitutional or invalid, such holdings shall not affect the remaining portions hereof and this Ordinance shall be construed to have the legislative intent to pass this Ordinance without such unconstitutional or invalid part.

**SECTION 2.3. EFFECTIVE DATE AND APPLICABILITY.** This Ordinance shall take effect upon filing with the Secretary of State. Except as specifically provided otherwise herein, this Ordinance shall supersede all other ordinances of Columbia County to the extent such other ordinances are in conflict herewith.

**DULY ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2010.

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

By: \_\_\_\_\_  
Chairman

**ATTEST:**

\_\_\_\_\_  
Clerk of Court

# CONTRACT AGREEMENT

PROJECT NO: \_\_\_\_\_ OFFICE NUMBER: \_\_\_\_\_  
COUNTY: Columbia County Board of Commissioners CONTRACT NO: \_\_\_\_\_  
CONTRACTOR: Infrastructure Corporation of America

1. **Justification and Location:** Qualified Class C or Higher Water Plant Operators for Columbia County Water System in Ellisville, Florida.

**Description of Work:**

The Infrastructure Corporation of America (ICA), operator shall be responsible for insuring plant compliance with DEP rules and regulations to include 5 visits/week and one visit each weekend. Preparing Monthly Operation Reports (MORs) to be fully completed and submitted to DEP within 10 days after the month of operation. The plant and equipment shall be kept clean and maintained in good operating condition, and a daily operation log shall be kept on-site. The log shall be a hardbound book with consecutively numbered pages and shall be available for inspection at all times. Operator shall report any possible cause for repairs and maintenance to the County representative as soon as possible. County is responsible for repair and maintenance. All DEP required sampling shall be included in the base rate and re-samples shall be billed as required. The County will be responsible for paying lab fees directly. All DEP required sampling shall be preformed. Sampling shall include: Black Water Prevention Monitoring: 62-555.315(5) F.A.C., Bacteriological Monitoring: 62-550.518 F.A.C., Nitrate and Nitrite Monitoring: 62-550.512 F.A.C., Disinfectant Residual Monitoring: 62-550.514(1) F.A.C., Disinfection Byproducts: 62-550.514(2)(b) F.A.C., Primary Inorganic Contaminants: 62-550.513 F.A.C., Secondary Contaminants: 62-550.520 F.A.C., Volatile Organic Contaminants (VOCs): 62-550.515 F.A.C., Synthetic Organic Contaminants (SOCs): 62-550.516 F.A.C., Radionuclides: 62-550.519 F.A.C., Asbestos: 62-550.511 F.A.C. Lead and Copper Tap Sampling: 62-550.800 F.A.C.

**BASIS OF AGREEMENT BETWEEN COLUMBIA COUNTY and INFRASTRUCTURE CORPORATION OF AMERICA (ICA)**

1. The Contract Documents consist of: (1) The Contract Agreement, (2) The Description of Work.
2. The ICA agrees to perform the work described in the Contract Agreement.

Item	Description	\$/Month
1	Qualified Operator, Class C or Higher	\$719.00

In witness whereof Columbia County Board of Commissioners and Infrastructure Corporation of America (ICA) have caused this Contract Agreement to be executed by their duly authorized representatives.

**APPROVAL RECOMMENDED**

Columbia County Board of Commissioners

ICA

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: Project Manager

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**UTILITY COMMITTEE**  
**January 26, 2010**  
**9:00 a.m.**

The Columbia County Utility Committee met in a scheduled meeting at the County Extension Office at 9 a.m.

**Members Present:**

Commissioner Jody Dupree  
Commissioner Scarlet Frisina  
Commissioner Stephen Bailey  
At Large Member Walt Graham

**Members Absent:**

Councilman Eugene Jefferson (other appt.)  
Councilman George Ward (unknown)  
At Large Member Billy Dow (other appt.)

**Others in Attendance:**

County Manager Dale Williams  
Asst. County Manager Lisa Roberts  
Deputy Clerk Sandy A. Markham  
County Purchasing Director Ben Scott  
County Engineer John Colson  
Chad Williams, GTC Design Group

Attorney Brian Armstrong (NG&N)  
Executive Utilities Director Dave Clanton  
Engineer Henry Sheldon  
Jeff Simmons, IDA Member  
Public Works Director Kevin Kirby

**Technical Subcommittee Update**

Chairman Dupree gave a brief update. The Subcommittee has been working on the technical apparatus' of the utility, and they have been in discussions regarding the language that will be used in the utility ordinances. Chairman Dupree said they have also taken up issues relating to the service area and redirecting lines.

Chad Williams reviewed proposed changes to be made in the route of water distribution lines and discussed current concerns.

~~MOTION by Commissioner Frisina to approve running the line, putting in the "T," crossing Hwy. 441, and then "extending down" the east side of Hwy. 441 to the ramp. Second by Commissioner Bailey. The motion carried unanimously.~~

~~MOTION by Commissioner Frisina to approve the directional bore, putting in the "T" crossing at Hwy. 441, then proceeding north down the east side of Hwy. 441 to the ramp. Second by Commissioner Bailey. The motion carried unanimously.~~

~~MOTION by Commissioner Bailey to extend the westerly line south of the Scaff property, then eventually back to Powell Howell Road. Second by Commissioner Frisina. The motion carried unanimously.~~

**MOTION** by Commissioner Frisina to cross Howell Road, pick up and run the waterline to create that loop, and bring it back to Howell Road, contingent upon required casements being obtained. Second by Commissioner Bailey. The motion carried unanimously.

There was a review of and discussion regarding the route/line behind the motel at the Dicks Bar D Ranch property. Chad Williams referred to this as the NE Loop.

**MOTION** by Commissioner Bailey to reduce the size of the NE line from a 12" to a 6". Second by Commissioner Frisina. The motion carried unanimously.

### **Informational**

Chad Williams reviewed with the committee the proposed 3/4 " water meter connection locations at lots on County Road 238. The crossing areas need to be re-worked. The subcommittee has discussed not installing the meters at the present time, but instead the meters should be ordered and stockpiled. When the time comes for a customer to hook on, the meters will be available and can be installed. He said the biggest issue is that lines are being run now.

Chairman Dupree said the subcommittee's recommendation is that the crossings be re-worked, and that meters be placed in storage. This will be handled through field changes.

Regarding the crossings, Chad Williams said that the crossings can be put out for bid at a later date. They are currently 3/4" crossings.

County Manager Williams suggested that since the crossings are already in the contract and that the stimulus money is paying eighty-five cent on every dollar, that the crossings be left. The size of the crossings may need to be changed. Chad Williams said there is still a small amount of time to decide where the crossings should be located.

There was a consensus to upscale the size of the pipes from 3/4" to 1 1/2" and to have the reduced number of double meters stockpiled. County Engineer John Colson and Public Works Director Kevin Kirby will make the best decisions for locations.

### **Designated Service Area Ordinance**

The service area boundaries were reviewed.

**MOTION** by Commissioner Bailey to recommend the Board of County Commissioner approve the designated service area. Second by Commissioner Frisina. The motion carried unanimously.

### **Draft Utility Service Area Ordinance**

**MOTION by Commissioner Bailey to recommend the Board of County Commissioners approve the ordinance and to adopt Exhibit "A" (A map geographically showing the Designated Service Area). Second by Commissioner Frisina. The motion carried unanimously.**

### **Draft Utility Connections Ordinance**

The Committee discussed other changes that will be made before presenting the final ordinance to the Board of County Commissioners.

Chairman Dupree asked what roll the Utility Committee and the Board of County Commissioners play in this. He noticed all of the wording refers to the County Manager making all decisions and handling all matters. He was also concerned that the workload would be too much for the County Manager to take on. Commissioner Bailey agreed that there needs to be more flexibility. Attorney Armstrong said that he would modify the verbiage to read, "*the County Manager, his designee, or other such person who may be designated by the Board of County Commissioners.*"

Attorney Armstrong said that the language "about contiguous within 50 feet ... within a quarter of a mile," would be added to the ordinance instead of only referencing the statute.

Chairman Dupree brought up the topic of a utility authority for discussion. He said the operation the entire enterprise is going to be very demanding, especially as the utility begins to expand. He is concerned that the utility may become "bogged down" without clear leadership.

Considering the size of the utility, Attorney Armstrong said that he would not recommend an authority at this time. He suggested the following wording be added in the definition of county manager: "*The County Manager, his designee, or other such employees that may be designated by the Board of County Commissioners in the future.*"

Chairman Dupree said he wants the wording to be clear enough that the county will be able to "shift and move," as it relates to the leadership employees. He said that he did not want to have to amend the ordinance each time a decision is made about the leadership of the utility.

**MOTION by Commissioner Frisina to recommend the ordinance with changes to the Board of County Commissioners and to set the matter for public hearing. Second by Commissioner Bailey. The motion carried unanimously.**

### **Meeting Facility**

Asst. County Manager Lisa Roberts reported that the Lake Shore Hospital Authority will charge a fee for future use of their building. She asked for Board direction.

There was a consensus to use county owned facilities for future meetings.

### **Construction Update**

As an informational item, Chad Williams gave a quick overview of contractor's progress.

### **Future Agenda Item**

Chairman Dupree said that the Committee could expect to see the existing package plant in Ellisville on the next agenda for the purpose of condemning and taking.

Chairman Dupree asked the Committee to begin considering a 1"- 2" bleeder line be installed and routed back to the main line, at the point the water line terminates

### **Other**

Chairman Dupree expressed appreciation for the **subcommittee's assistance**. He said that they have been a tremendous help.

Ben Scott said regarding a **water rate study** for drinking water, that it will take Florida Rural Water three weeks to conduct a study. Their study is geared more toward everyone paying equally for the service. He said he spoke with Mike New, who is the Public Works Director for the town of Alachua that does this type of study. He will charge \$4,100 to do a study that would be geared more toward payment for the amount used.

Attorney Armstrong said that the \$4,100 is an excellent price and that the county should consider payment tiers that would encourage water conservation.

County Manager Williams recommended both be allowed to do a study. The two can be compared and the county can come up with something that is workable.

Chairman Dupree recalled the Committee's recommendation to the Board of County Commissioners that a **Utility Director** be hired. He said that it was his understanding that the Utility Director would be in charge of the day-to-day operations of the utility. Commissioner Bailey and Commissioner Frisina said that was also their understanding.

Ben Scott asked if the County still plans to contract with someone to come in and do the **utility billing**. He said that the company the county has their accounting software with  does a lot of utility work. The County Manager and Chairman discussed that it may be a job that can be handled in house by the Public Works Department. Ben Scott will obtain quotes for utility software for informational purposes.

There being no further business, the meeting adjourned at 10:40 a.m.

ATTEST:

\_\_\_\_\_  
P. DeWitt Cason  
Clerk of Circuit Court

\_\_\_\_\_  
Jody Dupree, Chairman  
Utility Committee

*opau*

**UTILITY COMMITTEE**  
**April 27, 2010**  
**9:00 a.m.**

The Columbia County Utility Committee met in a scheduled meeting in the City of Lake City Council Chambers at 9 a.m.

**Members Present:**

Commissioner Jody Dupree  
Commissioner Scarlet Frisina  
Commissioner Stephen Bailey  
At Large Member Walt Graham  
Councilman Eugene Jefferson  
At Large Member Billy Dow (other appt.)

**Members Absent:**

Councilman George Ward

**Others in Attendance for County:**

County Manager Dale Williams	Public Works Director Kevin Kirby
Asst. County Manager Lisa Roberts	Deputy Clerk Linda Odom
Marc Neihaus, Eutaw Utilities	County Engineer John Colson
County Purchasing Director Ben Scott	GTC Design Group, Chad Williams
	Utilities-Drainage Superintendent J.M. Moody

**From the City of Lake City**

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Dave Clanton, Exec. Director of Utilities      Wendell Johnson, City Manager

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**Order:**

Chairman Dupree called the meeting to order.

**Introduction:**

J. L. "Bud" Moody, Jr. was introduced as the Superintendent of Utilities & Drainage.

**Utility Updates:**

Chad Williams gave a brief update on the Ellisville Utility using a large diagram.

Mark Neihaus gave a brief update on the tanks.

John Colson gave updates on surveys, right-of-ways, and land acquisitions.

**Wastewater Plant Acquisition Update**

County Manager Williams said copies of closing documents have been provided. The property has now been titled to Columbia County. The county retained the plant operator that has

been maintaining this plant. The billing program for this utility is now complete. Customers are currently being billed the same rate as previously. They will continue with those rates until another fee is adopted. The County Manager said this plant has been in existence for several years. The intent is to maximize the existing life of this plant through upgrades, which are underway. Chad Williams spoke on the upgrades.

Chairman Dupree asked when the appropriate time would be to contact DEP regarding the small troubled plant that is located on the north side of the interstate. The County Manager said that contact could be made at any time. Chairman Dupree feels the appropriate time would be now.

### **Plant Operator for Water System:**

The County has bid out the plant operation for the water system. Ben Scott reviewed the results of the bid. The lowest bidder was Infrastructure Corporation of America (“ICA”) with a bid of \$8,628. The bid was significantly lower than the other two bids. It was explained that ICA is able to do the work for less, because they are already in the area as operators of the rest area located near Ellisville. Mr. Scott recommended awarding the bid to ICA, the lowest bidder.

MOTION by Commissioner Bailey to recommend to the Board of County Commissioners that Bid #2010-G be awarded to ICA. Second by Commissioner Frisina. The motion carried unanimously.

Regarding the sewer, Ben Scott said a RFP or further negotiations with ICA could be considered once the county knows exactly how it will expand and operate the system. Until then, he recommended to the Committee that the county stay with the current operator who is now handling the package plant that was taken over by the county.

The County Manager concurred with Scott and added that the contract with ICA will be drafted so that a rate can be negotiated for wastewater. County Manager Williams said that the current operator appears to be doing an outstanding job.

### **Impact Fees, Tap Fees, and Water Rates**

The County has received rate studies from Florida Rural Water and also from an independent person named Mike New. The County Manager recommended that a committee be appointed to review the rates and make a recommendation. He suggested the members of the committee be himself, the Clerk of Circuit Court or his designee, Purchasing Agent Ben Scott, Attorney Brian Armstrong, Certified Public Account Richard Powell, and Commissioner Frisina.

Chairman Dupree advised the County Manager that he wanted “all” costs involved and associated with the utility be identified in advance and for the information to be included in the study. He said that he did not want the costs to be separated out.

The County Manager said that in the original rate studies, everything that was known and could be projected up to that time was included. He said that there are some expenses that have not been included. He said it is possible that they will not have to be included if the expenses are charged to other accounts. He used as an example the sewer component has not been charged to the

utility, because of state appropriations. He said the exception is what we consider to be funded depreciation, or necessary for funded depreciation.” The County Manager said that if there is a difference in opinions on this, it could be revisited.

It was agreed that the Rate Study Subcommittee needs to meet as soon as possible. It may become necessary for the Board to call a special Utility Committee Meeting as soon as the study is done. Chairman Dupree is hopeful the subcommittee will begin meeting this week or next week.

Commissioner Bailey said that he assumes before the rates are adopted that a public hearing will be required. The County Manager said that he believes the rates will be adopted by resolution. He will check on the format to be certain.

### **Laterals – Defining Necessity**

Chad Williams reviewed potential lateral lines that could be proposed in Ellisville.

Chairman Dupree said that it has been stated that one of the reasons Ellisville has utilities is because there is bad water in Ellisville. He said with that being the case, the objective should be to get water to as many Ellisville residents as possible and to do it as cost efficiently as possible. Chairman Dupree said that lateral lines have been discussed previously by the Utility Committee and the Utility Sub-Committee.

The Chairman explained that impact fee pay for the construction of utility and the water rates pay for the operation of the utility. He said that the more customers the utility has, the less money customers will have to pay.

The Chairman said that the Committee needs to define the necessity of the laterals before rates are set. He reminded everyone that there are four options when creating a utility: (1) Create a service area that is supported through its customer base, (2) Do not put in a utility, (3) Pay the costs from reserves, or (4) raise taxes. Chairman Dupree said that it is his intent that everyone work together to find a way for the utility to pay for itself. The Chairman asked for input and directive regarding the identified laterals.

Commissioner Bailey said that the laterals now in place will adequately address the “issues” in Ellisville. He said that he is not interested in seeing any laterals put into place. He said that he is not interested in seeing any more expansion at this time, and especially not before what is already in place is operable and providing water. He said there is no chlorine sled in place, no rates set, and no product being sold. He said expanding at this time would be putting the “cart ahead of the horse.” He reminded everyone that the original intent of the utility was to service and provide good water to the commercial exchange.

Chairman Dupree said he understood Commissioner Bailey to say the county would spend \$4,000,000 at Ellisville to build utilities and only have 98 customers. Commissioner Bailey said that was indeed his intent. Commissioner Frisina added that there may be some people who will want to connect to the water, but they should have a choice on whether or not they connect.

Chairman Dupree said if laterals are not going to be run in Ellisville, a decision needs to be made as to how the utility will be paid for. He said that when rate study is done that it will need to be approached from two perspectives; a utility without lateral expansion and a utility with lateral expansions. He said that the \$1,000,000 the county paid for the property where the utility is situated has to be considered in the rate study.

### **Installation of Water Line on Private Property Fee Discussions**

There was discussion as to how potential private customers would be served. Kevin Kirby said that there was some discussion of the county absorbing the first 100 feet of line run to a home, but charging by the linear foot for those setting back beyond 100 feet. Mr. Kirby said considering all factors, they were able to come up with a price of \$4 per linear foot to lay a one inch water line on private property.

The County Manager suggested CDBG criteria be used. Using CDBG criteria may open doors of opportunity for financial assistance for those homeowners needing additional line run to their home. The cost for the county to run the first 100 feet of line must also be considered in the cost pro formas.

The County Manager said that all the county has to work with now is “what the concept was.” He said when the rate study is complete it could be revisited if there is dissatisfaction with the numbers. He recommended for the purposes of determining the rate structure that the county move forward with the original concept that customers would not be charged for the first 100 feet of line. He said in the cost pro forma that the additional distance above 100 feet would have to be estimated and figured in using census tracking data. He said for the purpose of developing the initial cost pro formas and rates, this standard should be used since it is what the Board originally discussed.

MOTION by Commissioner Frisina to accept staff recommendation. Second by Commissioner Bailey. The motion carried unanimously.

### **Warehouse at Ellisville**

Per the subcommittee’s request, Kevin Kirby provided a cost estimate to build a building at Ellisville that would support operations and be used to store equipment and materials for the Ellisville Utility. He recommended a 7,000 square foot building be placed at the site in Ellisville. The cost estimate is approximately \$255,000 for the site and the building. The Chairman said that this should be paid for from the legislative sewer appropriation.

The County Manager said that unless he is told differently, the county would pay for the cost of the warehouse from legislative appropriations. The funded depreciation schedule for that building and the energy expenses would go into the regular operating costs.

Commissioner Bailey asked if this warehouse and property would also be sufficient for a satellite facility for Public Works. Director Kirby replied “That is the intent.”

MOTION by Commissioner Bailey to recommend to the Board of County Commissioners that they approve constructing the warehouse and paying for this from legislative appropriations. Second by Commissioner Frisina. The motion carried unanimously.

### **Equipment Inventory**

Public Works Director Kevin Kirby discussed with the committee the equipment initially needed to do the required work involving the installation of waterlines and meters. The equipment that needs to be purchased is: Trencher with a trailer, pipe locator, ¾ inch - 2" Hot Tap and a Posi-Trac. The cost for this equipment is \$97,000.

There was a brief discussion regarding monies that may be needed for additional staff and equipment. Depending on the size of the utility, many of the needs could be contracted out.

MOTION by Commissioner Bailey to recommend to the Board of County Commissioners the purchase of the equipment for \$97,000. Second by Commissioner Frisina. The motion carried unanimously.

### **Minutes**

MOTION to approve Utility Committee Minutes from February 23, 2010. Second by Commissioner Frisina. The motion carried unanimously.

### **College Manor Water System**

The engineering reports for College Manor Water System are complete. The Utility Committee will need to take this matter up and make recommendations to the Board of County Commissioners very soon. A cost pro forma will need to be done for this system. The County Manager said that he assumes the water rates for this system would be the same as for the Ellisville's water system. Otherwise, the county would have to subsidize the operation cost of the system. He said that it may be more feasible to let the City hook that system up to water.

### **Adjournment**

There being no further business, the meeting adjourned at 10:15 a.m.

ATTEST:

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P. DeWitt Cason  
Clerk of Circuit Court

\_\_\_\_\_  
Jody Dupree, Chairman  
Utility Committee