

**ORDINANCE NO. 08-27**

**AN ORDINANCE OF MARION COUNTY, FLORIDA, RELATING TO WATER AND WASTEWATER UTILITY RATES; AMENDING THE WATER AND WASTEWATER UTILITY RATE ORDINANCE NO. 06-15; AMENDING SPECIFICALLY SUBSECTION 19-187(a) OF THE MARION COUNTY CODE BY AMENDING THE AMOUNTS FOR THE COUNTY'S WATER AND WASTEWATER CAPITAL CHARGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE OF MARION COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Marion County (hereafter "County") adopted Ordinance No. 96-37 which originally adopted the Water and Wastewater Utility Rate Ordinance; and,

**WHEREAS**, the County repealed Ordinance No. 96-37 and then readopted the provisions thereof via Ordinance No. 04-4 on March 2, 2004, codifying the Water and Wastewater Utility Rate Ordinance as a new Division 4 in the Code of Marion County, Florida; and,

**WHEREAS**, the County adopted the Marion County Water Resource Protection and Water/Wastewater Utility Program on May 21, 1996, and has adopted amendments to its Comprehensive Plan that contemplate the expansion of its Water and Wastewater Utility System (hereafter "System"); and,

**WHEREAS**, in order to comply with bond covenants, the County set rates, fees, and charges necessary to ensure that the County will generate sufficient revenues to meet the bond covenant requirements; and,

**WHEREAS**, the County adopted rates, fees and charges pursuant to Ordinance No. 06-15 on June 20, 2006; and,

**WHEREAS**, the objective of the County is to maintain rates and charges which will adequately generate the revenues necessary to meet the projected fiscal requirements of the County on an equitable basis to all classes of users; and,

**WHEREAS**, the County is authorized to amend water and wastewater rates, fees, and charges pursuant to Chapters 125 and 153, Florida Statutes; and,

**WHEREAS**, the County has provided the required public notice and held the necessary public hearing(s) in order to amend said water and wastewater rates, fees, and charges; and,

**WHEREAS**, the County has prepared a water and wastewater capital charge update dated November 27, 2007, which finds, among other things, that the amount of the water and wastewater capital charges must be amended; and,

**WHEREAS**, it is just and reasonable that the cost of the System should be borne by those existing and new users in accordance with applicable law; and,

**WHEREAS**, the County has calculated the amended water and wastewater utility rates based on the most recent local data and with administrative fees for collection of such charges set at or below County's costs therefore.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Marion County, Florida:

**SECTION 1. AMENDMENT TO SECTION 19-187, CODE OF MARION COUNTY, FLORIDA.** Subsection 19-187(a), the Code of Ordinances of Marion County, Florida, is hereby amended as indicated by the underlined and strikethrough revisions to read as follows:

**Sec. 19-187. Water and wastewater capital charges; adoption; calculating application; and time of payment:**

- (a) *Adoption.* The county hereby adopts and establishes pursuant to general law a water capital charge and a wastewater capital charge, the purpose of which will be to finance capital expenditures and the payment of county indebtedness associated with the expansion (through construction, acquisition, or otherwise) of the county's water supply, treatment and transmission system and the wastewater transmission, treatment, and effluent disposal system. Unless otherwise designated below, the water and wastewater capital charge imposed by the county shall be:

TABLE I							
YEAR	WATER			WASTEWATER			TOTAL
	TRANSMISSION	TREATMENT	TOTAL	TRANSMISSION	TREATMENT	TOTAL	WATER & WASTEWATER
01-Oct-06	<del>\$ 585.00</del>	<del>\$ 910.00</del>	<del>\$1,495.00</del>	<del>\$1,402.00</del>	<del>\$ 2,603.00</del>	<del>\$ 3,705.00</del>	<del>\$ 5,200.00</del>
01 April 08	\$ 768.00	\$ 1,119.00	\$ 1,887.00	\$ 1,103.00	\$ 3,499.00	\$ 4,602.00	\$ 6,489.00

The county likewise adopts a bulk wholesale water capital charge consisting of (a) a water treatment facilities component charge not less than those plant capacity or other capital charges charged to the county by the wholesale or

temporary provider, and (b) a water transmission facilities component charge. The county also adopts a bulk wholesale wastewater capital charge consisting of (a) a wastewater treatment facilities component charge not less than those plant capacity or other capital charges charged to the county by the wholesale or temporary provider, and (b) a wastewater transmission facilities component charge.

**SECTION 2. SEVERABILITY.** It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**SECTION 3. REPEAL.** All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict hereby repealed.

**SECTION 4. INCLUSION IN CODE.** It is the intention of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Marion County, Florida, that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

**SECTION 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed with the Department of State by the Clerk within ten days after enactment by the Board, and shall take effect upon the later to occur of (a) receipt of official acknowledgment of filing as provided in subsection 125.66(2), Florida Statutes or (b) ninety days after the date notice was provided of the amended impact fees as set forth in subsection 163.31801(3)(d), Florida Statutes.

**DULY ADOPTED** this 28th day of August, 2008.

**BOARD OF COUNTY  
COMMISSIONERS  
MARION COUNTY, FLORIDA.**

Attest:

C. Bonvisuto, S.C.  
David R. Ellspermann, Clerk

Charlie Stone  
Charlie Stone, Chairman

FOR THE USE AND RELIANCE  
OF MARION COUNTY ONLY.  
APPROVED AS TO FORM AND LEGALITY

August 28, 2008

Thomas A. Cloud

Thomas A. Cloud, Esquire  
Special Utility Counsel

RECEIVED NOTICE FROM SECRETARY  
OF STATE ON September 11, 2008  
THAT ORDINANCE WAS FILED ON  
September 4, 2008