

**AN ORDINANCE OF THE TOWN OF BLUFFTON
ORDINANCE NO. 2015-01
TO AMEND THE SCE&G FRANCHISE AGREEMENT TO REPEAL
ORDINANCE NO. 2013-05**

WHEREAS, the Town Council on August 8, 2001 did adopt an Ordinance ratifying its Franchise Agreement with South Carolina Electric and Gas Company; and

WHEREAS, Section 9 of the said Franchise Agreement authorizes the Town to amend the Franchise Agreement and to increase the franchise fee payable by SCE&G with specified notice to SCE&G; and

WHEREAS, by Ordinance No. 2013-05 the Town amended the Franchise Agreement and increased the franchise fee to five (5%) percent of the gross revenue identified in Section 9 of the Franchise Agreement; and

WHEREAS, the Town and SCE&G disagreed about the effective date of the increase but have now settled their differences by means of a Settlement Agreement; and

WHEREAS, the Town has agreed to repeal Ordinance No. 2013-05 and to enact this Ordinance in its place, with the same effective date as Ordinance No. 2013-05:

THEREFORE, BY IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID TOWN COUNCIL:

SECTION 1. REPEAL

Ordinance No. 2013-05 is repealed.

SECTION 2. AMENDMENT

The Franchise Agreement between the Town of Bluffton and South Carolina Electric and Gas Company is amended as authorized in Section 9 of the said Franchise Agreement so as to increase the Franchise Fee to five (5%) percent of the gross revenue identified in Section 9.

SECTION 3. SEVERABILITY

If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. EFFECTIVE DATE

This Ordinance shall be effective retroactively to June 11, 2013.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF BLUFFTON ON THIS THIRTEENTH DAY OF JANUARY 2015.

This Ordinance was read and passed at first reading on December 9, 2014.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:

Sandra Lunceford, Town Clerk
Town of Bluffton, South Carolina

This Ordinance was passed at final and second reading on _____.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:

Sandra Lunceford, Town Clerk
Town of Bluffton, South Carolina