

LAKE WHATCOM WATER AND SEWER DISTRICT

RESOLUTION No. 807

A Resolution of the Board of Commissioners
Establishing Policies for the Administration of
the Newly Adopted Low-Income Senior/Disabled Reduced Rate
Effective January 1, 2015

WHEREAS, RCW 57.08.014 provides authority for public utility districts to offer reduced utility rates for low-income seniors and/or low-income disabled persons; and

WHEREAS, reduced low-income senior/disabled rates were included in the Financial Consulting Solutions Group (FCSG) rate study compiled on behalf of the District, the results of which were published in the June 2014 Report for 2014 Water and Sewer Rate Update ("Rate Study"); and

WHEREAS, the Board has reviewed the Rate Study and adopted a Water and Sewer Rate Structure for the years 2015 through 2019 which includes a Low-Income Senior/Disabled Reduced Rate of 40% for qualifying rate payers for water and sewer services;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lake Whatcom Water and Sewer District, Whatcom County, Washington ("District") as follows:

Section 1:

1. Low Income Senior and Low Income Disabled Person Utility Fee Discount. Low income senior citizens or low income disabled persons ("low income senior/disabled persons") who meet the qualifications and requirements of this Resolution shall receive a forty percent (40%) discount from the District's water and sewer service charges as provided herein. Said discount shall be uniformly extended to low income senior/disabled persons regardless of geographic location within the District's service area.
2. Eligibility for Low-Income Senior/Disabled Person Utility Fee Discount. To be eligible for the District's low income senior/disabled person utility fee discount, the applicant must complete and demonstrate the following:
 - A. Submit a complete signed application on a District application form for the low income senior/disabled person utility fee discount to the District Treasurer. Incomplete applications will not be processed.
 - B. The account must be in the applicant's name and the applicant must provide written documentation from the Whatcom County Assessor's Office demonstrating that the applicant is currently approved for a property tax exemption under the "Property tax exemption program for senior citizens and disabled persons" authorized under RCW

84.36.379 – RCW 84.36.389 and WAC 458-16A.100 – WAC 458-16A-150, or as subsequently codified.

- C. The application request must be for the applicant's primary and full-time residence. The utility fee discount shall not be provided on more than one property for any one person.
3. Decision on Application. The District Treasurer shall either approve or disapprove the application based on the complete application and required supporting material or such other documentation as is reasonably requested. The decision of the District Treasurer shall be final.
 4. Approved Applications. For approved applications, the District's low-income senior/disabled rate of a 40% reduction will be applied to the total bi-monthly water and sewer service bill including the base rates and water overage charges only. The discount will not be applied to any other fees or charges incurred on the account.
 5. Timing and Applicability of Rate Reduction. The reduced rate will commence on the next billing cycle after the application is approved. The reduced rate will not be applied to any previous balances incurred on the account.
 6. Change in Status. Each low income senior/disabled person receiving the utility fee discount shall be responsible for promptly notifying the District Treasurer if they are no longer eligible for the Whatcom County Assessor's property tax exemption or if their income has changed such that they would no longer qualify for said property tax exemption. Low income senior/disabled persons who are determined by the District Treasurer to no longer qualify for the utility fee discount shall begin paying utility fees without a discount in the next billing cycle following said determination.
 7. Expiration of Rate Reduction Program. The low income senior/disabled person reduced rate will be available to qualifying rate payers through December 31, 2019, following which time the utility fee discount provided herein shall expire and all low income senior/disabled persons receiving discounted utility fees shall begin paying full utility service fees.

Section 2: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 3: If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid, or unconstitutional, then the original Resolution shall be in full force and effect.

Section 4: This Resolution shall be effective January 1, 2015.

ADOPTED by the Board of Commissioners of Lake Whatcom Water and Sewer District, Whatcom County, Washington, at a Regular Meeting thereof, on November 12th, 2014.

Leslie Mc Roberts, Commissioner



Todd Citron, Commissioner



John W. Millar, Commissioner



Laura Weide, Commissioner



Approved as to form, District legal counsel