

**SILVER LAKE WATER & SEWER DISTRICT
SNOHOMISH COUNTY, WASHINGTON
RESOLUTION NO. 641**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SILVER
LAKE WATER & SEWER DISTRICT, SNOHOMISH COUNTY,
WASHINGTON, ADOPTING A LOW INCOME SENIOR CITIZEN/DISABLED
PERSON WATER AND SEWER RATE PROGRAM AND REPEALING
RESOLUTION 624.**

WHEREAS, RCW 57.08.014 provides certain powers to the Silver Lake Water & Sewer District Board of Commissioners ("District") to adjust or delay the water and sewer service rates for low income senior citizens and low income disabled persons (senior/disabled); and

WHEREAS, the Board of Commissioners adopted Resolution 624 establishing a low income senior rate for water and sewer charges on November 22, 2007; and

WHEREAS, the Board of Commissioners received a written communication from a customer requesting the low income senior rate program include persons with disabilities; and

WHEREAS, the Board of Commissioners reviewed the financial costs of the current low income senior rate program, including the growth in the number of low income senior customers since increasing the income threshold on November 22, 2007 and the annual costs per customer to support the discounted water and sewer rates; and

WHEREAS, Resolution 624 established a qualifying income threshold of \$30,000 for a single senior citizen or \$34,000 for married or co-tenant senior citizens, which was based on the qualifying income threshold for the Snohomish County Low Income Property Tax Program; and

WHEREAS, since 2007, Snohomish County has increased the income threshold for the Low Income Property Tax Program to \$35,000 for single persons and \$40,000 for married or co-tenants; and

WHEREAS, the Board of Commissioners recognizes that increased costs and expenses support an increase in the income threshold amount to define low income for purposes of the District low income senior/disabled reduced rate program and increases to water and sewer rates due to on going significant capital improvement projects to protect water quality and the environment can be an undue financial burden on low income senior/disabled customers of the District; and

WHEREAS, lower rates to customers who qualify for the District low income senior citizen or disabled person program should help such customers continue to live independent lives and contribute to the Silver Lake community; now, therefore,

BE IT RESOLVED by the Board of Commissioners of the Silver Lake Water & Sewer District, Snohomish County, Washington as follows:

1. **FINDINGS:** The Commissioners adopt as findings the preceding recitals to this Resolution.
2. **DEFINITIONS:** For the purpose of determining eligibility the following definitions apply unless otherwise provided for:

Disabled person means person who is receiving permanent Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Veteran Disability Compensation (VDC), Non-Grant Medical Assistance (NGMA), receiving permanent disability insurance benefits, or qualifies for state permanent disability benefits or qualification for other institutional or governmental programs that provide a determination of a disability that is permanent in nature.

Full Time Resident means a person, or persons, who reside at the property for which the water and sewer service is provided.

Low Income Senior/Disabled Rate Applicant means a person who has submitted a completed Low Income Senior/Disabled Rate Application including any supporting documentation requested by the District to determine their eligibility for the discounted water and sewer rates.

Low Income Senior/Disabled Rate Application means a form developed by the General Manager, or designee, to review the status, qualifications, and residency of a Low Income Senior/Disabled Rate applicant.

Property Owner means person or legal entity that owns the property for which the water and sewer service is provided.

Senior Citizen means a person who is 62 years of age or older at the time of their application for low income rates.

Qualifying Low Income means the gross income adopted by the Board of Commissioners to qualify a Low Income Senior/Disabled Rate Applicant for the discounted water and sewer rates.

3. **APPLICATION REQUIREMENT:** The Low Income Senior/Disabled Rate Applicant must complete a Low Income Senior/Disabled Rate Application provided by the District. The Low Income Senior/Disabled Rate Application shall include a signed declaration certifying, under penalty of perjury, that all material representations of the applicant are true and correct and that the signator(s) will promptly notify the District in writing should such individual(s) move to a new location or experience a change in income that would disqualify the signator(s) from receiving the reduced water and sewer rates and agree to pay the District for any

undercharging that has been made if it is determined that the signator(s) is not qualified for the reduced water and sewer rates.

4. **QUALIFYING ANNUAL LOW INCOME:** The Low Income Senior/Disabled Rate Applicant must have an annual gross income of less than \$35,000 per year for a single person or \$40,000 per year for a married couple or co-tenant household to qualify for the low income senior or disabled person reduced water and sewer rate program. The General Manager shall have authority to change the qualifying low income threshold based on changes adopted by Snohomish County for qualification for the low income senior or disabled person reduced property tax program.
5. **RESIDENCY REQUIREMENT:** The Low Income Senior/Disabled Rate Applicant must be the property owner and full time resident of the property receiving water and sewer service in the District or the full time resident tenant(s) that by written agreement with the property owner is required to pay the District water and sewer bills and that the property owner has authorized to receive a copy of the District's water and sewer bill.
6. **SUBSEQUENT INCOME OR RESIDENCY VERIFICATION:** The District may request an applicant receiving the reduced low income senior/disabled person water and sewer rates to resubmit supporting documentation verifying their eligibility in the program. The District may cancel a customer's eligibility to receive the adjusted low income senior/disabled rate if the customer has not responded to a written request to provide supporting documentation to verify their eligibility in the program.
7. **BACK BILLING FOR UNDERCHARGES DUE TO DISQUALIFICATION:** Low Income Senior/Disabled Rate customers shall inform the District of changes to income levels that may disqualify them from receiving the adjusted Low Income Senior/Disabled Rate. The District shall back bill a customer for any undercharges due to either disqualification or false or inaccurate supporting documentation.
8. **CURRENT LOW INCOME SENIOR RATE SHALL APPLY:** The current low income senior water and sewer rates adopted by Resolution 637 shall apply as of the effective date of this resolution to low income disabled customers upon their approved application. Future low income senior/disabled rates shall be 75% of the single family residential rate paid by property owners in the same sewer basin as the senior/disabled low income District customer resides.
9. **AUTHORITY TO PREPARE DOCUMENTS TO IMPLEMENT RESOLUTION:** The General Manager and District Staff are hereby authorized and directed to prepare and use District Application forms and other documents and to develop administrative processes to implement a Senior/Disabled rate reduction program in accordance with the terms of this Resolution

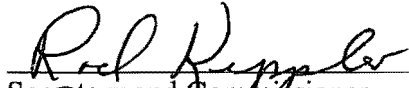
10. **SEVERABILITY**: Should any part or provision of this resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the resolution as a whole, or any part thereof, other than the part declared to be invalid.

11. **REPEALER**: Resolution 624 is hereby repealed.

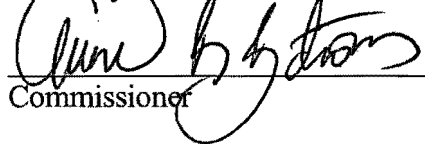
ADOPTED by the Board of Commissioners, at a regular meeting of the Silver Lake Water & Sewer District, Snohomish County, Washington this 9th day of July, 2009.



President and Commissioner

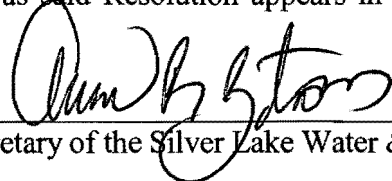


Secretary and Commissioner



Commissioner

I CERTIFY the above to be a true and correct copy of Resolution No. 641 adopted by the Board of Commissioners of the Silver Lake Water & Sewer District, this 9th day of July, 2009, as said Resolution appears in the records of the Silver Lake Water & Sewer District.



Secretary of the Silver Lake Water & Sewer District Board of Commissioners