

**CITY OF LYNNWOOD
ORDINANCE NO.2686**

AN ORDINANCE AMENDING RATES FOR SURFACE WATER SERVICE AND AMENDING SECTION 13.35.070 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

WHEREAS, the City adopted in 2006 a six-year schedule of surface water rates based on the actual cost of providing all maintenance and operations services and capital construction costs in order to meet the revenue requirements of the utility; and

WHEREAS, the City's surface water rates have historically included a "special surface water rate" for persons of the age of 61 years or older, meeting the qualifications specified in this section and RCW 84.36.381; and

WHEREAS, the City has determined that those citizens, when verified to meet such qualifications, should receive "special rates"; and

WHEREAS, the City wishes to expand the "special surface water rate" to include additional customers;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1. Section 13.35.070 of the Lynnwood Municipal Code is hereby amended as follows:

13.35.070 Utility charges.

The following surface water utility rates and charges are hereby established for all sites in the city as set forth in Table 1 below. These rates and charges shall be in effect and assessed beginning January 1st of each year, except for the 2007 rates, which shall be in effect and assessed beginning on February 1, 2007.

A. Single-family residential sites: one ERU per month for each single-family residential unit on a site. This uniform rate is based on each single-family residential site being equal to one equivalent residential unit (ERU). Each duplex on a site shall be charged one ERU.

B. Undeveloped sites: undeveloped sites shall not be charged under this system and structure of rates.

C. Other sites: the charge for all other developed sites shall be based upon the total amount of measured impervious surface divided by one ERU, and rounded down to the nearest whole number. The actual total monthly service charge shall be computed by

multiplying the measured ERUs for a site by the monthly rate per ERU. All sites will be charged for at least one ERU. Sites will be billed as a single-surface water account when a site contains multiple water meters and/or businesses on a site.

Owners/managers will be responsible for any allocation of the surface water charge among tenants.

D. Special surface water rate: persons of the age of 61 years or older, or who are disabled, meeting the qualifications specified in this section and RCW 84.36.381, shall be charged at the following rates, depending on the income level status of the customer pursuant to the Snohomish County Assessor's Office Real Property Taxes Exemption Process:

<u>Income Level Status</u>	<u>Rate</u>
A	0.4 ERU's
B	0.45 ERU's
C	0.5 ERU's

Qualifications for said rate shall be:

1. The single-family residential property or multi-family residential unit or mobile unit to which the utility service is extended shall have a valid property tax exemption from Snohomish County, pursuant to RCW 84.36.381 through 84.36.385.
2. Claimants for said reduction shall occupy site or unit as principle residence and be within the corporate limits of the city of Lynnwood and have a household income level no greater than and as prescribed in RCW 84.36.381.

For residents that meet such qualifications but that do not have a direct account with the City (i.e. tenants of a condominium) a yearly rebate shall be paid to the resident based on forty (40), forty-five (45) or fifty (50) percent of a calculation of the cost per unit for that account, depending on the income level status of the customer pursuant to the Snohomish County Assessor's Office Real Property Taxes Exemption Process. In order to qualify for the rebate, the resident must make application to the City by November 1 of each year and demonstrate, in addition to meeting the qualifications in this section, that they have resided at the site or unit for the entire year.

The Mayor is authorized to administer the special utility rates and develop procedures as necessary for such implementation.

Table 1

Customer Class	Rate Calculation
Single-family residential/duplexes	1 ERU
Multifamily/commercial industrial sites	Measured s.f. of impervious areas = number of billed ERUs

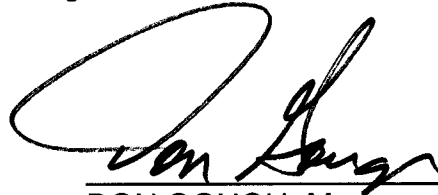
Special surface water rates	1 ERU x Special Rate					
Customer Class	2007 Mo. Rate	2008 Mo. Rate	2009 Mo. Rate	2010 Mo. Rate	2011 Mo. Rate	2012 Mo. Rate
Single-family residential/duplexes	\$4.25	\$5.09	\$5.84	\$6.70	\$7.56	\$8.53
Multifamily/commercial industrial sites	\$4.25/ERU	\$5.09	\$5.84	\$6.70	\$7.56	\$8.53
Special surface water rate, income level status A, *	\$1.70	\$2.04	\$2.34	\$2.68	\$3.02	\$3.41
Special surface water rate, income level status B, *	\$1.91	\$2.29	\$2.63	\$3.02	\$3.40	\$3.84
Special surface water rate, income level status C, *	\$2.13	\$2.55	\$2.92	\$3.35	\$3.78	\$4.27

* or as calculated for units in a complex

Section 2. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title. The modified rates shall also apply retroactively to all billings assessed in 2007.

PASSED THIS 11th day of June, 2007, and signed in authentication of its passage this 18th day of June, 2007.



DON GOUGH, Mayor

ATTEST:



VICKI HEILMAN
Interim Finance Director

APPROVED AS TO FORM:



MIKE RUARK
City Attorney

PASSED BY THE CITY