

TOWN OF DOLORES

ORDINANCE NO. 548 SERIES 2020

AN ORDINANCE ESTABLISHING A DISCOUNT PROGRAM ON THE BASE RATE FOR WATER AND SEWER SERVICES FOR ELDERLY LOW INCOME PERSONS

WHEREAS, the Town of Dolores, Colorado is a statutory town incorporated under the laws of the state of Colorado;

WHEREAS, the Town has the authority to set rates by resolution for water and sewer services pursuant to CRS § 31-35-402 and Dolores Municipal Code § 13.04.340 and § 13.04.430.

WHEREAS the Town has found it necessary to undertake significant improvements to the water and sewer lines in the Towns water and sewer system at significant expense to the Town and to offset the anticipated cost of such improvements and to offset the increased costs of operating and maintaining the Town's water and sewer systems generally, the Town of Dolores Board of Trustees found it appropriate to increase the base rate the Town of Dolores charges for water and sewer services pursuant to Resolution Number 423 Serries 2020.

WHEREAS the Town recognizes that the impact of the COVID19 public health crisis and the additional burden this base rate increase disproportionately impacts the elderly on a fixed income.

WHERAS the Town resolves to create a program to offer relief on the base rates for water and sewer services to qualifying elderly low income persons.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES the Town of Dolores establishes as discount program for elderly low income persons as follows:

Section 1. Definitions.

- a. "Applicant" means a person applying to participate in the Town's Elderly Low Income discount program.
- b. "Base Rate" means the base rate established for water and sewer services by the Town of Dolores from time to time by resolution.
- c. "Elderly Person" means a person having attained the age of 65 years or older who has an account with the Town of Dolores to receive water and sewer services.
- d. "Household Size" means the number of persons domiciled and residing full time in the Elderly Person's home.
- e. "Identification" means a current Colorado issued drivers license or identification card or passport.
- f. "Low Income" means a person whose annual household income, based on the number of persons residing in the Elderly Person's home, is less than eighty percent (80%) of the average medium household income for Montezuma County, Colorado for the same size household.
- g. "Medium Household Income" is determined based on the most current data available from the United States Census Bureau.
- h. "Proof of Income" means the prior year's federal tax return, or if the Applicant is not required to file a tax return, proof of social security retirement or disability benefits received in the form of a determination letter or copies of three months bank records showing direct deposits.

Section 2. Eligibility.

- a. An Applicant is eligible to receive the Elderly Low Income Discount if:
 - i. He or she is an Elderly Person as defined herein; and,
 - ii. Meets the Low Income qualifications as defined herein; and,
 - iii. Is the account holder who receives water and sewer services from the Town of Dolores for the Elderly Persons' primary residence; and,
 - iv. The Elderly Person owns or rents the home receiving water and sewer services.
- b. The Elderly Low Income Discount is not available in connection with a home or account that is not the Elderly Person's primary residence and does not apply to commercial water and sewer services.

Section 3. Procedure.

- a. The town clerk and town manager are empowered to develop an application form and establish policies for Applicants wishing to receive the discount.
- b. In order to apply for the discount, an Applicant must:
 - i. Complete an application form representing that the Applicant owns or rents the home in question, is an Elderly Person, discloses the number of person's residing the household, and meets the Low Income requirements; and,
 - ii. Present proper Identification that verifies the Applicants age and place of residence; and,
 - iii. Present Proof of Income; and,
 - iv. Present either proof of ownership of the property in question or a lease agreement showing the Applicant to be in possession of the property in question as a tenant; and,
 - v. Present the Applicant's most recent utility bill.
- c. The town clerk or the town manager will review the application and determine if the Applicant is eligible for the discount.
- d. If the town clerk or town manager determine that the Applicant is eligible under this ordinance, the discount will appear on the following month's water and sewer bill.
- e. If the town clerk or town manager determine that the Applicant is not eligible under the ordinance the Applicant may not reapply until after the expiration of 180 days of such determination.

Section 4. Discount.

An Applicant approved for the Elderly Low Income Discount by the Town under this ordinance shall receive a twenty five percent (25%) discount off of the current base rate established by the Town Trustees for residential water and sewer services on the Applicant's primary residence.

Section 5. Duration.

The discount program continues for 12 calendar months after the Applicant is approved. The Applicant is required to reapply each year thereafter in order to continue to receive the discount. If the Applicant fails to reapply annually, then the discount shall terminate. This ordinance may be repealed or amended

at any time by the Town Trustees and is not intended to create an entitlement or property right in the Applicant.

INTRODUCED AND READ on first reading at the regular meeting of the Trustees of the Town of Dolores on December 14, 2020 at Dolores, Colorado.

Passed adopted and approved on the first reading this 14th day of December, 2020.

DOLORES BOARD OF TRUSTEES:

By: Chad Wheelus, Mayor

Attest:

By: Tammy Neely Town Clerk

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 11th day of January, 2021 in the Town Board Chambers in Town Hall, Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

Passed adopted and approved on the second and final reading this 11th day of January, 2021.

DOLORES BOARD OF TRUSTEES:

By: Chad Wheelus, Mayor

Attest:

By: Tammy Neely Town Clerk