

AN ORDINANCE OF THE CITY OF PALMER, TEXAS

ORDINANCE NO. 923

AN ORDINANCE OF THE CITY OF PALMER, TEXAS, AMENDING PRIOR ORDINANCE No. 319; PROVIDING; FOR A FIXED MINIMUM RATE TO BE CHARGED SENIOR AND/OR DISABLED CITIZENS MEETING CERTAIN INCOME AND LIVING REQUIREMENTS FOR WATER, SEWER AND GARBAGE COLLECTION SERVICES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALMER, TEXAS:

SECTION 1. **FIXED WATER, SEWER, GARBAGE RATE FOR CERTAIN SENIOR CITIZENS.**

- A. From and after the effective date of this ordinance any Senior Citizen of the City of Palmer may make application for a "Senior Citizen Fixed Minimum Service Rate" if the Senior Citizen:
- is over 65 years of age or over 60 years of age and disabled;
 - living in a residential home located within the corporate limits of the city maintained an existing water account for over (3) years;
 - is living alone or in a living situation with no additional persons residing in the residence other than a spouse or a legally dependent child;
 - is resource eligible based on limits noted herein;
 - is income eligible based on applicant's adjusted gross income as determined by the formula noted herein as being at or below 70% of the State of Texas median income as recorded by the most recent US Census and or Texas Department of Human Services;
 - resides in the residence where the discounted rate is being requested which has an independent or separate water meter; from any surrounding residences or businesses;

B. The Application.

To qualify for the Fixed Minimum Rate, inquiring Senior Citizens must submit an initial application and any and all required supporting documentation as required herein to verify resource and income eligibility. As Resource and Income limits are subject to change each year, application for renewal must be made annually. Failure to renew will result in reinstatement of regular rates effective the next billing cycle after the annual term expires. The discount period will begin on June 1 of the current year and ends on May 31 of the following year, giving applicants time to obtain their annual income information before applying or reapplying for the program. Qualifying Senior Citizens applying after June 1 will receive the discount effective with the next billing cycle. The application will be in the form of an agreement between the Senior Citizen and the City of Palmer, which will terminate in the event there is a change of applicable condition as noted herein or this ordinance is amended or repealed. Repeal of this ordinance shall terminate all existing agreements after which there shall be no further obligation between the parties.

The initial and annual re-applications will be reviewed by a Citizen Review Committee. The Citizen Review Committee will approve or deny each application. Only applications that meet the requirements of SECTION 1 paragraph A may be approved. The City Council will appoint a three member Citizen Review Committee for the annual review. The committee will serve until replacements are appointed. Committee resignations will be replaced only as required to review applications.

SECTION 2. SENIOR CITIZEN MINIMUM SERVICE RATE..

The "Senior Citizen Fixed Minimum Service Rate" shall be applicable to Senior Citizens meeting the requirements of this ordinance and the above mentioned agreement, and said rate for Water, Sewer and Garbage Collection shall be capped at the Minimum Water Rate for residential users as set out in the Master Fee Schedule of the City of Palmer, as from time to time amended. The Current Master Fee Schedule notes a minimum fixed Water Rate of \$30.00 per month with the Sewer and Garbage Collection fees waived for eligible Senior Citizens.

SECTION 3. QUALIFICATIONS

A. Resources

Resources will be based on the total resources available to all eligible persons living in the household. These resources include but are not limited to the cash value of checking and savings accounts, certificates of deposit (CDs), stocks and bonds.

B. Income

Income is based on the total adjusted gross income of all eligible persons living in the household. This income includes but is not limited to all income received from social security, supplemental security income (SSI), retirement benefits, social security disability income (SSDI), Veterans payments, Labor and Industry benefits, interest from savings and bonds, annuities, dividends, royalties, pensions, property income, worker's compensation, wages, contractual earnings, and self-employment income.

C. Medical Deductions

Medical deduction will be based on the total of allowable medical expenses incurred by all eligible persons living in the household. Allowable expenses include, but are not limited to hospitalization costs and outpatient treatment (amount of patient responsibility after all applicable insurance payments), nursing care, and nursing home care provided by a facility recognized by the state; Prescription drugs, medical equipment or supplies, or over-the-counter medication, including insulin, if approved by a qualified health professional; Payments for insurance policies that specify coverage for health or hospitalization costs. The costs of policies that do not specifically cover medical costs, such as income, maintenance or lump sums for death or dismemberment are not allowable; Medicare premiums and cost-sharing or expenses incurred by Medicaid expenses; Dentures, hearing aids, and prostheses; Eyeglasses prescribed by a qualified health professional; Cost of maintaining an attendant, home, health aid necessary because of age or illness; Repayment of a loan used to pay medical expenses.

D. Adjusted Gross Income

Adjusted gross income will be defined as total income minus total medical deduction. Adjusted gross income test will determine financial eligibility.

SECTION 4. ELIGIBILITY FORMULA**A. Resource Test**

Resources will be limited to a total of \$5000.00 per applying Senior Citizen. If the individual meets the resource qualification, then the income test will apply as noted herein.

B. Income Test

If an applicant is determined to be resource eligible, then the applying Senior Citizen will be subject to the income eligibility test. Tabulate total monthly income of the applying Senior Citizen(s) and deducting total eligible medical deduction to determine the adjusted gross income of the applicant. The applicant's adjusted gross income will then be compared to the State of Texas median income level. If the applicant's income falls at or below 70% of the State of Texas median income level as determined by the US Census and/or the Texas Department of Human Services, then the Senior Citizen Fixed Minimum Water Rate will apply.

SECTION 5. VERIFICATION METHODS**A. Resources**

- (1) Current bank statement(s) dated within the last three months, for each account that the applying Senior Citizen(s) has.
- (2) Statement from bank official.

B. Income

- (1) **Social Security and Supplemental Security Income (SSI)**
 - (a) Check or Copy of check.
 - (b) Current award notice, letter or written statement from Social Security Administration.
 - (c) Direct deposit slip.
- (2) **Retirement Benefits and Pensions**
 - (a) Check or copy of check.
 - (b) Statement from company or entity distributing funds.
 - (c) Current award notice, letter, or written statement from Social Security Administration.

- (3) **Social Security Disability Income (RSDI)**
 - (a) Check or copy of check.
 - (b) Current award notice, letter, or written statement from Social Security Administration.
 - (c) Direct deposit slip.
- (4) **Veteran's Administration Benefits**
 - (a) Current award notice, letter or statement from VA.
 - (b) Check or copy of check.
- (5) **Labor and Industry Benefits**
 - (a) Check or copy of check.
 - (b) Statement from company or entity disbursing funds.
- (6) **Interest Income on Savings, Bonds, Annuities and Dividends**
 - (a) Current bank statement(s).
 - (b) Statement from bank paying interest and dividends.
- (7) **Royalties**
 - (a) Check or copy of check.
 - (b) Statement from company or entity disbursing funds.
- (8) **Property Income**
 - (a) Check or copy of check.
 - (b) Business records.
- (9) **Wages, Contractual Earnings and Self Employment**
 - (a) Check or copy of check.
 - (b) Check stub issued in the last 60 days.
 - (c) Wage withholding statements.
 - (d) Most recent IRS tax return.
 - (e) Letter from employer verifying current income and frequency of payment.
- (10) **Worker's Compensation**
 - (a) Current award notice, letter or statement from claims adjuster, Attorney or insurance company.
 - (b) Check or copy of check.
- (11) **Unemployment Income**
 - (a) Current award notice, letter, or statement from Texas Workforce Commission (TWC)
 - (b) Check or copy of check.

- (12) **Other Income**
 - (a) Most recent proof of other income received.
 - (b) Check or copy of check.

- (13) **Medical Expenses**
 - (a) Bills or copies of bills/or receipts from providers of health insurance, services, and products.
 - (b) Statement from providers. Note: if covered by insurance this statement needs to show balance due after insurance pays.
 - (c) Health insurance policies.
 - (d) Statement from qualified health professional stating that over-the-counter medication, medical equipment, or supplies are prescribed.

SECTION 6. READING OF METERS

The City of Palmer shall continue to read all meters of residences that are found eligible for the reduced water rate and check for excessive water usage. If excessive usage is found or suspected, then an action plan should be initiated as follows:

The City of Palmer Water Department shall thoroughly investigate the property for leaks and/or other possible causes of excessive usage in a timely manner.

The City of Palmer Water Department shall make official report on findings as the reason for excessive usage is determined or lack of findings if reason remains undetermined.

Excessive monthly usage shall be defined herein as using more gallons than 3000 times the number of occupants in the residence as determined in the application.

Excessive usage will result in the Senior Citizen being billed regular rates for each month that has excessive usage. This will include regular sewer and garbage billing.

SECTION 7. EFFECTIVE DATE – NEW RATE

The new rate shall go into effect on the first billing cycle following the effective date of this ordinance.

SECTION 8. REPEALING CLAUSE.

All parts of ordinances, inconsistent or in conflict with the provisions of this ordinance are hereby repealed. Ordinance 319 is hereby specifically repealed.

SECTION 9. SEVERABILITY CLAUSE.

If any article, paragraph or subdivision, clause or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 10. EFFECTIVE DATE - ORDINANCE

This ordinance shall take effect immediately after its passage as the law in such cases provides.

DULY ADOPTED by the City Council of the City of Palmer, Texas, the 15 day of

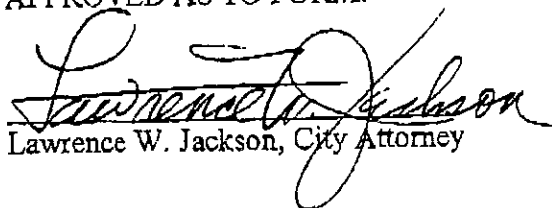
May, 2007.

DON HUSKINS, MAYOR
CITY OF PALMER, TEXAS

ATTEST:

ALICIA BARAN, CITY SECRETARY

APPROVED AS TO FORM:


Lawrence W. Jackson, City Attorney