

ORDINANCE NO. 4962

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG,
WASHINGTON, RELATING TO TITLE 9 "UTILITIES" AND AMENDING SECTION
9.30.020 OF CHAPTER 9.30 "UTILITY RATES" OF THE ELLENSBURG CITY CODE

WHEREAS, in 2019 the City Council desired to standardize low-income senior/disabled and non-profit utility rate discounts for the electric, gas, water, sewer and stormwater utilities; and

WHEREAS, the City Council desired to leave no current customer behind with these modifications and make the program less cumbersome for both applicants and the City; and

WHEREAS, in the course of standardizing the low-income discount program, an inadvertent amendment was made to unify the qualification criteria for senior/disabled customers across all utility rate classifications. This change established a qualification requirement at or below 125% of the Federal Poverty Level (FPL) instead of the previously applicable 40% Area Median Income (AMI); and

WHEREAS, this shift would unintentionally exclude participants who qualified under the 40% AMI criterion;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

Section 1. Section 9.30.020 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4855, is hereby amended to read as follows:

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in parts per million by weight.

Debt service coverage or DSC means the result of a calculation dividing a utility's margin (profit) for the year by the utility's annual debt payment.

Domestic strength wastewater means wastewater having a BOD of 200 milligrams per liter and suspended solids of 250 milligrams per liter.

Electric demand means the maximum KW delivered during a 15-minute period in which the consumption of energy is the greatest during the month.

Income means all moneys received by the claimant from any source. It includes, but is not limited to: wages, railroad retirement, Social Security benefits, investment income in the form of dividends from stock, interest on savings accounts and bonds, capital gains, gifts and

inheritances, net rental income from real estate, disability payments, retirement pay and annuities. Reimbursement for losses shall not be considered as income.

Low-income disabled citizen means a person with either a combined household income; at or below 125 percent of the federally established poverty level; or at or below 40 percent area median income for Kittitas County who also:

- A. Provides documentation of disability from the Social Security Administration of the federal government;
- B. Qualifies for special parking privileges under RCW 46.19.010(a) through (j);
- C. Demonstrates through documentation from a qualified medical professional that he or she has a disability identified in RCW 46.19.010(a) through (j); or
- D. Qualifies as a blind person as defined in RCW 74.18.020.

Low-income senior citizen means a person who is 65 years of age or older with either a combined household income; at or below 125 percent of the federally established poverty level; or at or below 40 percent area median income for Kittitas County.

Nonprofit agencies serving the disadvantaged means agencies with a 501(c)(3) tax exempt designation from the Internal Revenue Service (IRS), a majority of whose clients/customers:

- A. Qualify for the low-income senior citizen rate;
- B. Are persons with disabilities of the types recognized by the city for determining eligibility for the low-income disabled citizen rate, regardless of their actual income level; or
- C. Are persons from families determined to be low income as defined by the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 USC Section 9902(2).

Power factor or PF means the ratio of the real power to the apparent power, and is a number between zero and one. "Real power" is the capacity of the circuit for performing work in a particular time. "Apparent power" is the product of the current and voltage of the circuit.

Purchased gas cost adjustment means the average cost of gas per Ccf paid by the city (including current city and state taxes per Ccf) the month prior to the billing month.

(Ord. 4855 § 1, 2020; Ord. 4844 § 1, 2019; Ord. 4650 § 1, 2013; Ord. 4571 § 1, 2010; Ord. 4555 § 1, 2009; Ord. 4503 § 2, 2007)

Section 2. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 3. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 2nd day of June, 2025.

ATTEST:

Nancy J. Huppert
MAYOR Pro Temp
Beth Leader
CITY CLERK

Approved as to form:

C. J.
CITY ATTORNEY

Publish: 6-5-2025

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4962 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4962 was published as required by law.

Beth Leader
BETH LEADER