

RESOLUTION 25-1134

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, RESCIND RESOLUTION NO. 949 AND UPDATE UTILITY BILL ADJUSTMENT POLICY FOR WATER LEAKS

WHEREAS, Resolution 949 previously provided for adjustments only for residential in-ground water services due to breaks in water lines not caused by the owner, and

WHEREAS, occasionally, through no fault of the property owner, breaks also occur in water service lines at all types of properties, including residential and commercial properties or through irrigation services; and

WHEREAS, it is the property owner's responsibility to discover and repair any leak(s) in a timely fashion; and

WHEREAS, it is in the public interest to allow, under certain express conditions, limited financial relief to utility customers that have experienced a water leak; and

WHEREAS, the Lynden City Council wants to provide such limited financial relief for water leaks on a one-time basis every ten-year period, per property owner, and

WHEREAS, in fairness to those that have experienced leaks eligible for adjustment while the City has been considering adoption of the policy contained herein, the Council intends that this resolution be applied retroactively to March 1, 2025;

NOW, THEREFORE, BE IT RESOLVED, by the Lynden City Council, that financial relief will be provided for charges related to in ground water service leaks for all residential, commercial, industrial and irrigation customers under the following provisions:

- 1. ONE-TIME ONLY ADJUSTMENT.** Each property owner receiving water utility service from the City has a utility account with the City. Each account owner shall be eligible for one (1) and only (1) account adjustment per ten (10) year period per account. Once an account owner has received an adjustment for a water leak, the account shall be ineligible for any future adjustments until ten (10) years have lapsed, unless there is a change in property ownership.
- 2. ADJUSTMENT ELIGIBILITY CRITERIA.** To be eligible for a one-time water utility account adjustment due to a water leak, per the terms in Provision 1 above, the following criteria must be satisfied:
 - A. The leak(s) must be behind the water meter on the consumer's side of the service line and be a part of internal or in ground plumbing components at a location with an active utility account (i.e. not under construction); and

- B. Required repairs should be completed within ten (10) days of the date the account owner or occupant was notified by the City or otherwise knew or should have known of the leak. Failure to complete repairs in a timely manner will result in forfeiture of any opportunity for a utility bill adjustment; and
- C. The leak(s) must not have been a result of intentional use or waste, vandalism, or theft; regardless of whether or not the property owner or occupant was aware of the leak(s); and

3. APPLICATION FOR ADJUSTMENT. A request for an account adjustment must be made in writing and submitted on a City form by the property owner after completion of repairs. Forms may be obtained from the City of Lynden Finance Department, Utility Billing.

Applications for an account adjustment will be reviewed and approved by the Finance Director. The Finance Director may also consult Public Works and the Public Works Committee in making a determination of a qualifying leak and adequacy of repairs to the service line.

4. TERMS OF ADJUSTMENT.

- A. An adjustment will be calculated using water consumption figures from the same billing period in the previous calendar year. The water consumption quantity from the same billing period in the previous calendar year ("estimated non-leak quantity") will be subtracted from the water consumption quantity used in the billing period for which the adjustment is sought. The difference will be the "estimated quantity attributable to the water leak." If water consumption is for less than one year, the average water consumption quantity for all previous full billing periods on the account shall be used as the estimated non-leak quantity.

If the adjustment is claimed for the first billing period for a new water utility account, the amount of water used by the previous occupant or other equitable non-leak quantity will be established by the Finance Director or Public Works Director.

- B. For the billing period in which a one-time adjustment is obtained, the account owner is responsible for the payment of the entire estimated non-leak quantity, however, they will not be responsible for payment of the estimated quantity attributable to the water leak. Any leak adjustment applies to one billing cycle only.
- C. The amount of adjustment may not exceed: \$2,000 or 50,000 cubic feet of water, whichever is lower.
- D. An adjustment will not be made for leaks of less than 1,000 cubic feet of water.

5. LEAK ON UNOCCUPIED PROPERTY. In the event that a leak is discovered on unoccupied property, water service will be disconnected at the meter and will not be reinstated until proof of repairs is shown. An unoccupied property is otherwise eligible for a leak adjustment, as long as it meets all other terms and provisions.

6. RETROACTIVE APPLICATION. This Resolution shall be retroactive to March 1, 2025, and shall be deemed fully effective as of that date.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, ____ IN FAVOR ____
AGAINST AND SIGNED BY THE MAYOR THIS ____ DAY OF NOVEMBER 2025.

ATTEST:

MAYOR, SCOTT KORTHUIS

APPROVED AS TO FORM:

CITY CLERK, PAM BROWN

CITY ATTORNEY, BOB CARMICHAEL