

## SQUAXIN ISLAND TRIBE

**RESOLUTION NO. FY 93-02  
of the  
SQUAXIN ISLAND TRIBAL COUNCIL**

**WHEREAS**, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe of Indians by the authority of the Constitution and By-laws of the Squaxin Island Tribe as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

**WHEREAS**, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security and general welfare of the Squaxin Island Tribal Reservation Citizens; and

**WHEREAS**, the Squaxin Island Tribal Council has developed Tribal Housing with sanitation facilities and water services on the Squaxin Island Reservation; and

**WHEREAS**, the Squaxin Island Tribal Council authorized a Tribal Utility Ordinance Committee who developed a Squaxin Island Tribal Utility Ordinance which was approved as an interim policy to finalized by the Utilities commission and the Tribal Council.

**WHEREAS**, the Squaxin Tribal Utilities Commission has finalized the Squaxin Island Tribal Utility Ordinance with the only change being a quorum for meetings changed from 4 to 3.

**NOW THEREFORE BE IT RESOLVED**, that the Squaxin Island Tribal Council does hereby approve and adopt the Squaxin Island Tribal Utility Ordinance as Tribal Law, effective this date.


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Resolution No. \_\_\_\_\_


**CERTIFICATION**

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at a regular meeting of the Squaxin Island Tribal Council, held on this \_\_\_\_\_ day of \_\_\_\_\_, 1992, at which time a quorum was present and was passed by a vote of \_\_\_\_\_ for, and \_\_\_\_\_ against with \_\_\_\_\_ abstentions.

  
David E. Lopeman, Chairman

Attested by:

  
Michael Peters, Secretary

  
David W. Whitener, Vice Chairman

PROPOSED AMENDMENT

Shall, Article III-Section 3.12, be amended to read as follows:

SECTION 3.12. QUORUM AND VOTING: A minimum of three Commissioners is required to be present to establish a quorum and conduct Utility Commission business. When the quorum consists of three Commissioners any action taken by the Utility Commission must be approved by an unanimous vote of those Commissioners present. If the Chairman is the third Commissioner, making up the quorum, the Chairman shall be entitled to vote on each matter coming properly before the Utility Commission.

When more than three commissioners are present any action taken by the Utility Commission must be approved by a majority vote and the Chairman shall vote only in the case of a tie.

ARTICLE III-SECTION 3.12 Presently reads:


SECTION 3.12. QUORUM AND VOTING: A minimum of four Commissioners is required to be present to establish a quorum and conduct Utility Commission business. Any action taken by the Utility Commission must be approved by a majority vote of those Commissioners present at a Utility Commission meeting. Each Commissioner of the Utility Commission, except the Chairman, shall be entitled to vote on each matter coming properly before the Utility Commission. The Chairman shall vote only in the event of a tie.

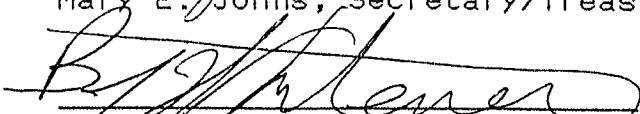
Respectfully Submitted,

  
James D. Carpenter, Chairman

  
Evelyn R. Allen, Vice-Chrmn.

  
Mary E. Johns, Secretary/Treas.

  
Julie M. Goodwin, Cmnty. Rep.

  
B. J. Whitener, Council Rep.

**SQUAXIN ISLAND TRIBAL  
UTILITY ORDINANCE**

**SQUAXIN ISLAND TRIBAL COUNCIL**

**RESOLUTION NUMBER: .....**

**DATED: .....**

SQUAXIN ISLAND TRIBAL UTILITY ORDINANCE

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RESOLUTION NUMBER: 91-68  
DATE OF ADOPTION: DECEMBER 19, 1991

SQUAXIN ISLAND TRIBAL COUNCIL  
SQUAXIN ISLAND TRIBAL UTILITY ORDINANCE

ARTICLE I

GENERAL PROVISIONS

SECTION 1.01. TITLE AND DATE: This ordinance shall be titled: Squaxin Island Tribal Utility Ordinance. The ordinance shall become immediately effective upon enactment of a resolution for adoption, by the Squaxin Island Tribal Council.

SECTION 1.02. PURPOSE: The purpose of the Squaxin Island Tribal Utility Ordinance is to define the policies, establish an organization and identify the necessary rules and regulations for: (1) the operation, maintenance and management of the various public utilities located on the Squaxin Island Indian Reservation; and (2) management for the provision of essential environmental services within the Reservation Community.

SECTION 1.03. POLICY: It shall be the policy of the Squaxin Island Indian Tribe to operate, maintain and manage the public utilities and services on the Squaxin Island Indian Reservation so that the community residents are provided with a high level of services designed to minimize exposure to adverse conditions which could negatively impact the physical and environmental health of any individual or the community. It shall also be the policy of the Squaxin Island Indian Tribe that the operation, maintenance and management of the public utilities and services shall be carried out through an efficient program and in a financially responsible cost effective and self-sufficient manner.

SECTION 1.04. JURISDICTION: The authority to establish a Tribal Utility Program and to levy appropriate user fees to all residents and organizations operating on the Squaxin Island Indian Reservation is provided in Article III and Section 1 of the Squaxin Island Tribal Constitution.



## ARTICLE II

### DEFINITION OF TERMS

SECTION 2.01. GENERAL: Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be set forth in this Article II.

SECTION 2.02. APPURTENANCES: "Appurtenances" are the real and personal property owned by the Utility Program or the Tribe located on, near or under the roadways and streets, such as fire hydrants and valves.

SECTION 2.03. CUSTOMER: "Customer" means a person, business, agency or other organization that uses, is entitled to use, or is obligated to pay for the use or receipt of services from the Utility Program.

SECTION 2.04. CUSTOMER LINES: "Customer lines" are the potable water lines and sanitary sewer lines located immediately adjacent to, inside of, or under a customer's residence or other building or property, which are either connected to utility service lines or are maintained by the customer separately from utility service lines.

SECTION 2.05. GARBAGE: "Garbage" shall mean all degradable and non-degradable refuse and solid waste without economic value that is generated through the course of normal living by the residents and organizations in the community.

SECTION 2.06. DISTRIBUTION SYSTEM LINES: "Distribution system lines" are those potable water lines maintained by the Utility Program by which water utility services are provided to customers.

SECTION 2.07. COLLECTION LINES: "Collection Lines" are those sanitary sewage lines maintained by the Utility Program by which sanitary sewer collection and disposal services are provided to customers.

SECTION 2.08. METER: "Meter" is a device, owned by the Utility Program, for measuring the amount of water services provided to a particular customer.

SECTION 2.09. MANAGER: "Manager" shall mean an individual hired by or appointed by the Utility Commission to oversee and manage the operation of the Utility Program.

SECTION 2.10. OPERATOR: "Operator" shall mean an individual hired by or appointed by the Utility Commission or Manager to provide direct day to day preventive maintenance and operational service for the public water and sanitary sewer utilities.

SECTION 2.11. ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS: "On-site sewage treatment and disposal systems" shall mean individual or community septic tanks and subsurface drain fields and associated appurtenances that collect, treat and dispose of liquid waste generated by customers, which are maintained and operated by the Utility Program.

SECTION 2.12. OFF-RESERVATION: "Off-reservation" is any area located outside of the exterior boundaries of the Squaxin Island Indian Reservation.

SECTION 2.13. REGULATION: "Regulation" is a rule of law or procedure duly adopted by the Utility Commission for purposes of implementing the requirements of this ordinance.

SECTION 2.14. SEWAGE DISPOSAL SYSTEM CLEANER: "Sewage system cleaner" shall mean any individual, firm, contractor or organization who the Utility Commission contracts with, to pump out on-site sewage treatment and disposal systems and dispose of the waste material and/or to repair the on-site sewage treatment and disposal systems located on the Squaxin Island Indian Reservation.

SECTION 2.15. TRIBAL COMMUNITY: "Tribal Community," for purposes of this ordinance, shall include, but not necessarily be limited to, enrolled Squaxin Island Tribal members.

SECTION 2.16. CONTRACTOR: "Contractor" shall mean any individual, firm, contractor or organization who contracts with the Utility Commission to provide environmental services or utility repairs, design, inspection, reconstruction or operation.

SECTION 2.17. UTILITY PROGRAM SERVICES: "Utility Program Services" are those basic services necessary for supporting residential and commercial development, including, but not limited to, water, sewer, garbage collection, roads and appurtenances.

SECTION 2.18. UTILITY COMMISSION: "Utility Commission" is responsible for, and authorized to manage, the Utility Program of the Squaxin Island Indian Tribe, as established by this ordinance.

SECTION 2.19. UTILITY PROGRAM: "Utility Program" is a program of the Squaxin Island Indian Tribe authorized to operate the utility services provided by the Tribe.

SECTION 2.20. PROGRAM: "Program" shall mean the Utility Program of the Squaxin Island Tribe.

SECTION 2.21. VENDOR: "Vendor" is any individual firm, contractor or organization who regularly supplies parts, equipment, supplies and services to the Utility Program used in the operation maintenance and management of the Utilities Services of the Squaxin Island Indian Reservation.

SECTION 2.22. SHALL, MAY: "Shall" is mandatory; "may" is permissive.

## ARTICLE III

### UTILITY PROGRAM AND UTILITY COMMISSION

SECTION 3.01. ESTABLISHMENT OF UTILITY PROGRAM: There is hereby established the Squaxin Island Tribal Utility Program having the responsibility for operating and maintaining the tribal public utilities and providing essential community services directly or by contract.

SECTION 3.02. UTILITY COMMISSION: There is hereby established the Squaxin Island Tribal Utility Commission to serve as the advisory, administrative and management authority for the Squaxin Island Tribal Utility Program

SECTION 3.03. UTILITY COMMISSION - OPERATING ORGANIZATION: The Utility Commission shall operate as a subordinate unit of tribal government, independent in its daily operation, but responsible to the Tribal Council for its actions. The methods of appointment, terms of office, and operating procedures of the Utility Commission shall be set forth in this ordinance and in regulations adopted by the Utility Commission.

SECTION 3.04. UTILITY COMMISSION - POWERS AND RESPONSIBILITIES: The Utility Commission shall manage the public utilities of the Tribe, and obtain and disburse funds as required for operation, maintenance and expansion of the tribal public utilities.

To fulfill these responsibilities, the Commission shall have the power to:

- (1) Levy and collect reasonable fees for utilities and services subject to the review by the Tribal Council prior to adoption by the Commission;
- (2) Provide for the hiring and compensation of appropriate management and maintenance personnel; said hiring and compensation to conform with established Tribal personnel policies and salary guide lines;
- (3) Adopt appropriate regulations to implement the requirements of this Ordinance;
- (4) Authorize disbursement of funds for operation, maintenance and repair of utility services, based upon an annual budget to be ratified annually by the Tribal Council;
- (5) Contract with vendors and contractors to assure that safe and reliable services are available to and utilized by the residents of the Squaxin Island Reservation. Contracts shall be reviewed by the Tribal Contracting Official designated by the Tribal Council; and
- (6) Authorize investment of Utility Program funds in accordance with accepted tribal policies and procedures.

SECTION 3.05. UTILITY COMMISSION - MEMBERSHIP: The Utility Commission shall be composed of five persons appointed by the Tribal Council. One person shall be selected from the Tribal Council, as its representative; one person from the Housing Authority Board of Commissioners; and, three persons selected from the general tribal community. The Council shall appoint at least three of the five members from among the on-reservation users of the Tribal Public Utilities. Members of the Utility Commission shall be known as Utility Commissioners.

SECTION 3.06. TERM OF OFFICE: Except for the initial Commission membership, all Commissioners will serve two-year terms, except for the representative from the Tribal Council who shall serve a one-year term.

Council Representative.....(Position 1) - 1 year  
Housing Authority Representative....(Position 2) - 2 years  
Community Representative.....(Position 3) - 1 year  
Community Representative.....(Position 4) - 2 years  
Community Representative.....(Position 5) - 1 year

Initial Commissioners of the Commission shall serve terms as follows:

Terms shall expire upon the swearing in of newly appointed Commissioners.

In the event that the Council Representative Commissioner loses or resigns his position on the Council, his appointment to the Utility Commission shall expire immediately, and the Council shall fill the vacancy by appointment of a new Commissioner at the next regular meeting of the Tribal Council.

SECTION 3.07. UTILITY COMMISSION - METHOD OF APPOINTMENT: The Tribal Council shall annually appoint persons to fill any Utility Commission vacancies. For the Commissioner positions to be filled by tribal community members, the Council shall advertise in the tribal newsletter soliciting interested persons for nomination. For all Commissioner positions, the Council shall choose persons capable and willing to perform the duties of the Authority. After receiving nominations, the Council shall appoint Commissioners by a majority vote.

SECTION 3.08. UTILITY COMMISSION VACANCIES: If a Commissioner resigns, moves from the local area, dies, or is found guilty of a felony or major crime in any court of law, the Tribal Council shall declare the Commissioner position vacant. If any Commissioner misses two consecutive Utility Commission meetings without a valid excuse, the Tribal Council may declare the position vacant. All vacancies shall be filled within one month in accordance with this Section. In the event that the number of unfilled Commissioner vacancies prevents gathering of a quorum for purposes of conducting business, the Tribal Council shall act as the interim Utility Commission until such time as the filling of Commissioner vacancies allows for a quorum.

SECTION 3.09. OFFICERS: Within ten days after the appointment of the initial Commissioners, there shall be an organizational meeting of the Utility Commission to elect a Chairman, Vice Chairman and a Secretary-Treasurer from among the Utility Commission Commissioners. The Officers shall be elected annually thereafter, immediately following the appointment by the Tribal Council of the new Commissioners.

SECTION 3.10. DUTIES OF OFFICERS: Officers of the Utility Commission shall assume the following duties:

1. Chairman: Shall preside at all meetings; call and arrange all meetings; be responsible for all general management of the Utility Commission's affairs; and perform all duties incidental to the office.
2. Vice-Chairman: Shall perform all of the Chairman's duties in the absence of the Chairman; and shall assist the Chairman as required in handling the Utility Commission's affairs.
3. Secretary-Treasurer: Shall keep or cause to be kept a complete and accurate record of all meetings and shall maintain all correspondence, notices and records of the Utility Commission: Shall be responsible for maintaining financial records of the Utility Program; Shall report the Program's financial status at each regularly scheduled Utility Commission meeting and shall present to the Commissioners for their action all requests for funds to meet the Program's financial obligations; Shall prepare an annual financial statement for submission to the Tribal Council for the general membership meeting, and further, the Treasurer shall make all investments for the Utility Commission in accordance with appropriate sections of this ordinance.

SECTION 3.11. MEETINGS: The Utility Commission shall meet when business demands and requires attention, but in no case less than once per month. Regular and special meetings shall be called by the Chairman. Any two Commissioners may request the Chairman, in writing, to schedule a special meeting of the Utility Commission. If the Chairman fails to schedule a meeting within five days after receipt of a written request, any other two commissioners may call such a meeting.

Meetings shall be held in public places, and the Utility Commission shall provide at least 5 days public notice of Commission meetings. Emergency meetings may be convened with less than five days notice, in cases of emergency where loss of life, limb or property is threatened, or where the continued operation or fiscal capability of the Tribal public utilities may be in jeopardy. All meetings shall be open to members of the tribal community and to users of the Tribal Public Utilities.

SECTION 3.12. QUORUM AND VOTING: A minimum of <sup>three</sup> ~~four~~ Commissioners is required to establish a quorum and conduct Utility Commission business. Any action taken by the Utility Commission must be approved by a majority vote of those Commissioners present at a Utility Commission meeting. Each Commissioner of the Utility Commission, except the Chairman, shall be entitled to vote on each matter coming properly before the Utility Commission. The Chairman shall vote only in the event of a tie.

SECTION 3.13. MEETING AGENDA: Regular meetings of the Utility Commission shall be conducted according to the following agenda outline:

1. Call to Order
2. Roll call
3. Reading of minutes of previous meeting
4. Report by Treasurer
5. Report by Manager and/or Operator
6. Unfinished business (to include comments from the public)
7. New business (to include comments from the public)
8. Miscellaneous business
9. Adjournment

SECTION 3.14. COMPENSATION: Commissioners of the Utility Commission shall serve without monetary compensation, except as determined by the Tribal Council. The Council shall establish prevailing government rates for mileage, per diem, or other costs, consistent with tribal policy, and shall direct the Coordinating Manager to approve such expenditures; provided that funds are available within the Utility Program budget approved by the Utility Commission and ratified by the Tribal Council.

SECTION 3.15. PUBLIC HEARINGS: The Utility Commission shall convene public hearings to discuss changes in utility rates assessed to users of tribal public utilities. All users of tribal public utilities shall be afforded seven days written notice of such hearings, and adequate notices shall be posted at appropriate places within the community and/or in the tribal newspaper.

## ARTICLE IV

### MANAGEMENT AND FINANCES

SECTION 4.01. MANAGEMENT PERSONNEL: The Utility Commission shall manage the business and operating affairs of the Utility Program. The Utility Commission may provide for hiring and contracting personnel for the care and maintenance of the Tribal Public Utilities (provided that hiring shall be in accordance with tribal personnel policies), and shall establish compensation rates consistent with the Utility Program's approved budget and the Tribal salary schedule. The Utility Commission may delegate only those management duties that are not specifically designated as duties to be performed exclusively by the Utility Commission.

SECTION 4.02. ANNUAL BUDGET: The Utility Commission shall establish an annual budget enumerating the necessary costs of Utilities and Services operation, maintenance, administration, personnel, liability and other insurance, replacement, and a reserve for major repairs and replacements. The annual budget shall be ratified by the Tribal Council.

SECTION 4.03. USER FEE SCHEDULE: The annual budget shall be used to determine a fee schedule to be assessed to the users of Tribal Public Utilities. The budget and fee schedule shall be approved by the Utility Commission and ratified by the Tribal Council.

SECTION 4.04. FISCAL YEAR: The fiscal year for the Utilities Program shall be the same as the fiscal year of the Tribal Council.

SECTION 4.05. DEPOSITORY: The depository of the Program shall be a separate commercial account or accounts in any bank selected by the Utility Commission. Said account shall be in the name "Squaxin Island Tribal Utility Commission".

SECTION 4.06. INVESTMENTS: Funds on deposit in excess of 30 days working capital may be invested in insured deposits at a commercial bank, savings and loan association or investment company offering the highest interest rate, provided that investment deposits shall have immediate liquidity. Investment deposits shall be made by the Utility Commission Treasurer. Withdrawals of investments require the approval of the Utility Commission Treasurer. Withdrawals from accounts shall be signed by two of the officers of the Utility Commission.

SECTION 4.07. DISBURSEMENTS AND RECEIPTS: The Utility Commission shall determine the distribution of funds required for the operation, maintenance and management of the Tribal Public Utilities. Disbursements will be made by check upon presentation of invoices or vouchers. Disbursements shall be made by the Officers of the Utility Commission or employees properly designated by the Utility Commission. The checks written on accounts shall be signed by two of the Officers of the Utility Commission. Cash receipts will be deposited intact, as to amount, in the depository promptly. Receipts will be issued for all cash received and copies filed and retained for accounting.

SECTION 4.08. RECORDS AND ACCOUNTS: Suitable financial records shall be maintained for all expenditures, receipts from payments for services, investments and returns on investments, and any other financial matters necessary for operation of the Utility Program. The separate accounting records for the Program shall be maintained in accordance with usual and commonly accepted Accounting Principles. The records of accounts shall be submitted to the Tribal Council quarterly, annually and at anytime requested.

SECTION 4.09. EXCLUSIVE USE OF FUNDS: The funds accrued by the Utility Commission and kept on deposit are for the exclusive use of the Utility and Services Program for the necessary operation, maintenance, and management of the Tribal public utilities and services. Utility Commission funds shall not be transferred or loaned to the Tribal General Fund or any other accounts of the Tribe or other Tribal departments, except to pay for services provided to the Utility Commission or Program by other Tribal Departments.

SECTION 4.10. AUDIT AND REPORTS: The accounts of the Utility Commission will be audited annually at the close of the fiscal year at the expense of the Program. Annual and periodic reports will be submitted by the Utility Commission to the Tribal Council.

SECTION 4.11. BONDING: Officers of the Utility Commission and any other person(s) designated to handle funds for the Utility Program, shall be bonded in accordance to Tribal policy.

SECTION 4.12. INSURANCE: Fire and other insurance on property owned or used by the Program or on property in which the Program has an insurable interest shall be in amounts and type of coverage specified by the Utility Commission. Insurance may be part of the Tribal insurance policies, with the expenses thereof pro-rated to the Utility Program if so directed by the Tribal Council.

SECTION 4.13. PETTY CASH: A petty cash fund is authorized to be established in the amount of \$200.00. This fund may be used to pay small expenses, when necessary, and to pay small obligations when it is not feasible to pay by check on the official depository. The fund may be reimbursed periodically from the official depository of the Utility Commission in the amount of and upon the submittal of receipts, vouchers, and statements signed by the payees, of their proof of expenditure. Petty cash reimbursement vouchers shall be certified by the Treasurer.

SECTION 4.14. REGULATIONS AND POLICY: The Utility Commission shall have the authority to adopt appropriate regulations and policies as needed to implement the provisions contained in this ordinance. Any proposed regulation or policy shall be submitted to the Tribal Council for review at least two weeks prior to its proposed effective date, provided however, that emergency regulations may be adopted and shall take effect immediately without prior Council review. Emergency regulations shall be presented to the Tribal Council within 48 hours after adoption. Any regulation may be rescinded by the Tribal Council at its discretion.



SECTION 4.15. REGULATIONS AND POLICIES: SUSPENSION OR ALTERATION: No regulation duly adopted by the Utility Commission may be suspended or altered by any person without prior written authorization of the Utility Commission.

SECTION 4.16. AMENDMENTS: The Utility Authority shall recommend amendments to this ordinance that it believes necessary to promote the efficient, cost effective and self-sufficient operation of the Utility Program, and shall present such amendments to the Tribal Council for approval.

SECTION 4.17. GRIEVANCES: Any customer or any applicant for utility services, who is aggrieved by any action of the Utility Program or the Utility Commission may file a grievance with the Utility Commission. The Utility Commission shall abide by the regulation set forth in this ordinance and shall handle such grievances in a manner which provides for due process of law.

All decisions by the Utility Commission on matters that have been submitted for grievance under the Program's grievance procedures shall be considered final. Final decisions of the Utility Commission may be appealed by an aggrieved party only on the basis that the Program's grievance procedures were not followed, or that due process was denied.

SECTION 4.18. NON-WAIVER OF SOVEREIGN IMMUNITY: The Utility Program is an agency of the Squaxin Island Indian Tribe, and thereby retains all rights of sovereign immunity of the Tribe. By providing services and entering into service agreements, the Department shall not waive the sovereign immunity of the Squaxin Island Indian Tribe or any of its officers, agents, attorneys or employees, or any one else acting at the direction of and on behalf of the Squaxin Island Indian Tribe.

## ARTICLE V

### UTILITY PROGRAM - OPERATION

SECTION 5.01. SERVICES PROVIDED: The services provided by the Utility Program shall include domestic water and sewer. Additional services may be provided upon approval by the Utility Commission and ratification by the Tribal Council.

SECTION 5.02. WATER SERVICE: The Utility Commission is responsible to provide safe, adequate water for a fee to those houses, businesses and institutions connected to the mainlines of the community water system. Responsibility for maintenance will include water sources, storage tanks, controls, mainlines, valves and hydrants, and service lines to the curb stops only. The service line from the curb stop to the house and interior house plumbing are the responsibility of the customer. The individual household water meters are owned by the Utility Commission and it is the responsibility of the Program to maintain the meters. The tribal community water systems shall be managed such that the regulatory requirements of the Federal Safe Drinking Water Act, as established by the Environmental Protection Agency, are satisfied.

SECTION 5.03. METERS: All homes hereafter that are connected to the community water system are required to install a water meter. All meters for measurement of utility services provided shall be installed in accordance with the requirements of the Utility in such locations as the utility shall direct. All such meters shall be the property of the Utility and shall be maintained by it. All meters shall remain accessible to Utility personnel and no person shall obstruct or tamper with any meter. Such obstruction or tampering shall be a violation of this Code and subject the violator to actual damages and civil penalties under this Code. The assignee of the property on which the meter is located shall be responsible for all damage to or tampering with the turn off/on water valve attached to such meter.

SECTION 5.04. PUBLIC WATER USE REQUIREMENTS: The assignee of each lot or parcel of real property within the area served by the tribal water system, and where the community water system is within 200 feet of any dwelling, business or water using activity and to which service by such public or community water is available, is hereby required at his or her expense to connect such facilities to the community water system in accordance with the provisions of this article. Such installations and connections must be made within 60 days after the date of mailing or personal service by the Utility addressed to the owner of the property to be served notifying such owner to make such connection unless such time shall be extended by the utility.

SECTION 5.05. OBTAINING SERVICE WITHOUT AUTHORIZATION: No person shall obtain services from the utility facilities without authorization. Any person who obtains such unauthorized service by connecting to the Utility facilities without authorization or by bypassing or tampering with any meter shall be liable to Utility for three times the value of the actual service obtained in addition to the cost of correction.

SECTION 5.06. SEWAGE SERVICE: The Utility Commission is responsible to provide sanitary disposal of domestic liquid waste for a fee to those houses, businesses and institutions connected to the mainlines of the community sewage system. Further, the Utility Commission is responsible for the maintenance and repair of community sanitary sewage disposal systems and storm sewer systems. Responsibility for maintenance includes treatment facilities, pumping stations, mainlines, manholes, and service lines to the individual property lines. Tribal sewage collection, treatment and disposal systems shall be managed such that applicable Federal regulations of the Clean Water Act and the National Pollution Discharge Elimination System are satisfied.

The service line from the property line to the house and interior house plumbing are the responsibility of the customer. The maintenance of the individual septic tank systems located on the customer's property shall be the customer's responsibility.

SECTION 5.07. FUTURE SERVICES: At some future date the Utility Commission may assume responsibility to provide electrical, gas, telephone, cable TV or other utility services.

SECTION 5.08. MAINTENANCE SCHEDULE: The Utility Commission shall develop and follow a regular schedule of maintenance service for each water and sewage system and components thereof.

SECTION 5.09. PERSONNEL: The Utility Commission shall have the full authority (within Tribal personnel policies and procedures) to hire, evaluate and discipline or fire if necessary the personnel required to manage, operate and maintain the Public Utilities. Existing Tribal Staff may be used and employed by the Utility Program to provide necessary maintenance and management services through agreements approved by the Tribal Council and the Utility Commission. The specific personnel policies of the Tribe shall be followed. Job descriptions for all employees will be developed and followed.

SECTION 5.10. PURCHASING: The Utility system operator may make or approve purchases from the petty cash fund for amounts up to \$200.00. Above this amount, the Utility Commission Treasurer must give approval and disburse funds according to appropriate sections of this ordinance. An accurate account and receipts of all expenditures will be kept.

SECTION 5.11. EQUIPMENT: All utilities equipment shall be maintained according to the established maintenance schedule and quickly repaired when necessary so that disruptions in service are minimized.

Utility tools and equipment are not for personal use. A record of tools and the individual to whom they were assigned shall be maintained.

Individuals will be held responsible for the security of tools and supplies that are assigned to them.

SECTION 5.12. INVENTORY AND DEPRECIATION: An accurate inventory and depreciation schedule of tools, equipment, and supplies will be maintained. It shall be kept up to date.

A reserve supply of repair parts and regularly used supplies will be maintained by the Program.

A listing shall be kept of local suppliers of repair parts, replacement equipment and expendable supplies.

SECTION 5.13. PUBLIC RELATIONS: The Utility Commission shall keep customers notified about changes in fees and rates schedule, water quality regulatory compliance, levels of service and any other information which may affect customers use of sanitary facilities. Notices may be included in monthly billing statements or may be disseminated to the public through separate mailings, newsletters, tribal newspaper or posting throughout the community.

Any person filing a complaint or seeking information shall be given assistance in a courteous manner. Complaints may be presented in writing to any Utility Commission member for resolution and action. The Utility Commission will resolve such complaints at the next regularly scheduled meeting of the Commission. The Chairman may call a special meeting of the Commissioners to resolve complaints as deemed necessary.

SECTION 5.13. EMERGENCY NOTIFICATION: An emergency notification plan will be developed by the Utility Commission and reviewed annually for notifying residents and visitors of:

- A. Discontinued service for more than eight (8) hours.
- B. Substandard conditions in water quality. This includes bacteriological, chemical or physical quality deficiencies.
- C. Any other conditions which may adversely affect the health of the community residents or visitors.

SECTION 5.14. STAFF TRAINING: All employees that are newly assigned to operate the utility systems shall receive instruction from an experienced operator. A minimum of 32 hours of instruction should be received before the new employee assumes responsibility for operations.

Regular operators should receive up to 40 hours of formal instruction per year. The Utility Authority will assure that operators maintain current knowledge of water and sewer system operation techniques.

A training plan for the water system operators shall be developed which will provide for upgrading of knowledge and skills in water and sewer utilities operations, maintenance and management. The goal of the training program shall be Washington State certification as Water Distribution Manager.

SECTION 5.15. LIMITS OF RESPONSIBILITY: The Program shall not be responsible for, nor shall it maintain or repair, any private or domestic water or sewer system, garbage, roads or lighting except by specific agreement establishing fair rates of compensation to the Program, and that is approved and signed by the Utility Commission and owner of such facilities. The Program shall not be liable for any loss or damage beyond its control resulting from any defect in, or damage to, a customer's water or sewer lines or fixtures, garbage storage facilities, driveways or parking lots, hydrants or lighting.

SECTION 5.16. RIGHT OF ENTRY - INSPECTIONS: The Program, or its authorized representative, is hereby authorized to make limited, reasonable inspections, at reasonable times, of any grounds, building or residence served by the Utility Program to the extent necessary to insure that customer utility fixtures, lines and equipment are not being operated in a manner that would likely disrupt or interfere with utility services. Except in cases of emergency where life, limb, or property are threatened, or in cases of immediate water shortages, the Program shall give the customer at least 24 hours notice prior to requesting permission to enter and inspect. If permission to enter and inspect is denied or impeded in any way, the Program shall obtain a court order authorizing such entry and inspection. Where the permission to enter and inspect is unreasonably withheld, the Program may assess court costs and related expenses and add them to the affected customer's bill.

SECTION 5.17. DISRUPTION OF SERVICE: The Program may shut off water or sewage service, or disrupt traffic on the public right-of-way to perform repairs, provided that advance notice has been given to affected customers. Provided, however, that in cases of emergencies where loss of life, limb or property is threatened, or in cases of immediate water shortage, service may be disrupted without advance notice. The Program shall not be responsible for consequent damage as a result of lack of water or sewage during authorized disruptions of service.

The Program shall not be liable for any associated damages or delay caused by the breaking or leaking of any pipe, valve, fixture or other contrivance as a result of the lack of water or sewage to or from any mains, services, hydrants, lines or reservoirs during authorized disruptions of service.

SECTION 5.18. PERMITS: No connection, re-connection with, disconnections from, or other private use of any Department water or sewer system, road, appurtenance or other utility service or facility shall be made without a written permit by the Utility Commission. No construction of any private water or sewer system, or other private utility is authorized within the Reservation Boundary without written permission from the Utility Commission. The Utility Commission may require such plans from the permit applicant as it determines are necessary to decide whether or not a permit should be issued.

SECTION 5.19. WATER SHORTAGE - SERVICE PREFERENCE: In cases of a water shortage proclaimed by the Utility Commission, the Program shall regulate the amount of water any customer may be allocated. The Utility Commission also may give preference to the customers and/or amounts of water to be allocated, provided the Utility Commission allocates water according to public necessity of convenience, and provides for fair allocations between customers. Any customer violating a legal allocation may have his water service discontinued. Service shall be resumed only upon payment of the approved re-connection fee and any penalties.

SECTION 5.20. UNNECESSARY WASTE OF WATER: The Utility Commission reserves the right to assess a penalty and/or terminate customer's service when the customer has repeatedly, unduly wasted water. Such undue waste is evidenced by the fact that hydrants, taps, hoses and other fixtures are permitted to run continuously when not in productive use. Where such conditions have been observed, the Utility Commission having been notified of the condition, may terminate water to the premise if the condition is not corrected within 24 hours after receipt of the notice. Service shall be resumed only after correction of the condition causing a wastage of water and payment by the customer of the approved re-connection fee, penalties and any other accounts in arrears to the Utility Commission.

SECTION 5.21. CONSERVATION OF RESOURCES: The Program shall conduct operation, maintenance and repair services in a manner that will maximize the conservation of natural, financial, and property resources. Customers of the Program shall be encouraged to conserve water resources and to limit water use as necessary to provide a comfortable, healthy and aesthetically pleasing life style. The Program may offer assistance and service to customers for water conservation and other material resources conservation and recovery as determined to be feasible by the Utility Commission.

New or existing homes or buildings not connected to the Community Water system, at the time of the adoption of this ordinance, shall not be allowed to connect to the Community Water System unless the said facilities are equipped with the following: 2 GPM (gallons per minute) shower heads; 2. GPM kitchen faucets or aerators; 1 GPM urinal; 1.5 GPM lavatory faucets or aerators; 1.6 GPF (gallons per flush) Ultra low flow toilets.

All applicants for new service must show proof that the above approved devices are installed prior to connection to the systems.

SECTION 5.22. NEW CUSTOMER SERVICES: Any dwelling within the service area of the Utility Program shall be eligible for services, provided all of the following conditions are met:

1. Facilities and resources are adequate to meet additional load;
2. New customer agrees to adhere to this Ordinance; and
3. Approval by the Utility Commission.

## ARTICLE VI

### CUSTOMER OBLIGATIONS

SECTION 6.01. CONDITIONS FOR SERVICE, PAYMENTS: As a condition for receiving utility services from the Utility Program, the customer agrees to comply with all provisions of this Ordinance, and any regulations duly adopted by the Utility Commission as well as any other applicable codes or regulations, including being current in the payment of all fees, penalties, costs, damages, or other charges assessed by the Program.

SECTION 6.02. MAINTENANCE; REPAIRS; LIABILITY: The customer shall be responsible for maintaining and repairing water and sewer lines located on or in the customer's grounds, building or residence in compliance with applicable regulations. The customer shall notify the Program in advance of major maintenance or repairs planned for water or sewer lines. The customer shall permit the Program to inspect the work for compliance with applicable regulations. The customer shall be liable for any damage to the Department's lines, equipment or other property caused by the customer, his family, guests, tenants, agents, employees, contractors, licensees or other persons under the customer's control or authority.

SECTION 6.03. CUSTOMER TERMINATION OF SERVICE; ABANDONMENT: A customer planning to vacate any grounds, building or residence served by the Program shall notify the Program in writing one week prior to the date the customer plans to either vacate or terminate service, whichever is later. A customer who fails to give notice is responsible for all charges accrued up to one week after notice is received by the Program, or up until service is terminated, whichever comes first.

SECTION 6.04. WATER SHORTAGES: During water shortages declared by the Utility Commission, the customer shall limit the use of water according to allocations established by the Utility Commission.

SECTION 6.05. INSPECTIONS: The customer shall not unreasonably withhold permission for the Program to enter and inspect the Program's and customer fixtures, lines and equipment when necessary to insure that they are operating in a manner that would not likely disrupt or interfere with utility services. The customer shall be liable for any costs or related expenses caused by unreasonable withholding of permission.

SECTION 6.06. PERMITS: The customer shall obtain written permission from the Utility Commission prior to making any connection, re-connection with, disconnection from, or other private use of any Program water or sewer system, road, appurtenance, or other utility service or facility. The customer shall obtain written permission from the Utility Commission prior to constructing any private water or sewer system, or other private utility.

SECTION 6.07. CROSS-CONNECTIONS: The customer shall not make a cross-connection with the Tribal Public Water supply. A cross-connection is defined as any physical connection between the Tribal Public Water system and another piping system, either water or waste. Any individual source must be totally disconnected from the household plumbing prior to connection to the Tribal Public Water Supply. "Disconnection" done solely by a valve shall not be allowed.

SECTION 6.08. SOLID WASTE FACILITIES: The customer shall provide refuse containers and shall maintain the containers and holding facility in a manner that prevents the harborage of rodents and vermin. There shall be no excessive accumulation of refuse, garbage or solid waste in the community or around individual home-sites. The tenant shall provide and pay for a means to remove said garbage or solid waste to an environmentally approved site.

Failure to comply with this section, after due notice, may result in monetary penalties and removal of solid waste accumulations by the Commission, at the customers expense.

ON 6.09. USE OF SEWAGE SYSTEM: The customer shall use the sewage collection, treatment and disposal system only for the disposal of normal household liquid waste including waste from toilet facilities, shower and bathing facilities and kitchen facilities.

SECTION 6.10 UNAUTHORIZED DISPOSAL: The customer shall not dispose of any material into the sanitary sewer which may cause the collection lines or subsurface drain field to become blocked or excessively loaded with solids, including but not limited to garbage, disposable diapers, sanitary napkins, paper material other than toilet paper, cigarette waste, cat litter, etc.

The installation of garbage disposal devices on the household waste plumbing is expressly prohibited.

SECTION 6.11. HAZARDOUS WASTE DISPOSAL: No customer shall dispose of any toxic, radioactive or otherwise hazardous waste into any Utility Program or private sanitary or storm sewage system. Hazardous and toxic wastes include but are not limited to: oil, pesticides, gasoline, organic solvents, paint, poisons and other manufactured chemical compounds.



## ARTICLE VII

### FEE SCHEDULES AND BILLING

SECTION 7.01. FEE SCHEDULE ESTABLISHMENT: The schedule of fees for utility services shall be set annually by the Utility Commission. The fee schedule will be based on the estimated average annual costs for operation of all utility services. The fee schedule shall include a basic rate for all services, payment of which shall be required of each customer regardless of whether, or the extent to which, the customer uses any of the services, and; other fees, charges, penalties and assessments which the Utility Commission is authorized to levy as provided under various sections of this Ordinance. The fee schedule may be adjusted as needed to meet utility operating expenses.

The Utility Commission may authorize incentives for pre-payment such as: pay twelve months in advance, get one month free; volunteer service in lieu of money; discount for on time payment.

SECTION 7.02. PUBLIC HEARING: The Utility Commission shall hold a public hearing whenever a new fee schedule is proposed for adoption. Five days in advance of the hearing, the proposed fee schedule shall be sent to each customer and shall be posted in appropriate places. Following the public hearing the Utility Commission shall set a fee schedule, taking into consideration comments received at the hearing.

SECTION 7.03. NOTICE TO CUSTOMERS: A copy of the fee schedule adopted by the Utility Commission shall be sent to each customer at least 30 days prior to the date the established fees take effect.

SECTION 7.04. BILLING RESPONSIBILITY: The Utility Commission and/or Utility Program is responsible for billing customers for Utility Services. The billing service, however, may be contracted to the Tribe, Housing Authority, other agency or firm at the discretion of the Utility Commission and Tribal Council.

SECTION 7.05. MONTHLY STATEMENT: Each month the Program shall mail to all utility customers a statement detailing the following information:

1. The customer's name and account number;
2. The types and levels of service used in the current month;
3. The billed cost of the current month's service, plus an accounting of bills or charges past due;
4. The date that payment is due; and
5. The location to mail or deliver payment.

SECTION 7.06. DUE DATE: The monthly date on which payment will be due shall be established by Utility Commission regulation.

SECTION 7.07. PAYMENTS PAST DUE: Payments not received within 10 days after the established due date are considered past due. The Program shall issue a notice of payment past due to the customer, detailing the payment owed and the consequences for failure to pay. The notice shall be sent no later than the date the next billing is sent out.

SECTION 7.08. DELINQUENT ACCOUNT: If the payment past due is not paid within 10 days after the next regular monthly due date, the account shall be declared delinquent.

SECTION 7.09. NOTICE OF DELINQUENCY: The Program shall immediately notify the customer in writing once the account has been declared delinquent, and list the sanctions that may be imposed without further notice. Notice of delinquency shall be made by certified mail or such other means to provide proof of receipt by the customer.

SECTION 7.10. ADVANCE DEPOSITS: The Utility Commission may require each new customer to pay an advance deposit equal in amount to the basic monthly rate fees for the first month of service, prior to receiving services. The deposits shall be retained by the Utility Commission no longer than one year. The deposits, with interest compounded at passbook rates, shall be credited to the individual customer's utility account balance at the end of the deposit period, providing that the customer's account is not delinquent and in arrears. Any remaining deposit funds will be credited to the customer's account.

## ARTICLE VIII

### ENFORCEMENT; PENALTIES; SANCTIONS

SECTION 8.01. AUTHORITY AND ENFORCEMENT: The Utility Commission is hereby authorized by the Tribal Council to collect established fees for service and to impose sanctions and penalties for non-payment. The Utility Commission shall enforce its regulations, fee collections and provisions of this ordinance by shutting off water service of any and all violators and delinquent bill-payers or imposing other penalties and sanctions as authorized.

SECTION 8.02. ATTACHMENT OF CUSTOMERS PROPERTY: The Utility Commission shall not seek to attach customer's property, nor seek to have fines assessed by Tribal Court, except in limited cases of blatant or continued abuses or destruction of property.

SECTION 8.03. PENALTY SCHEDULE: The Utility Commission shall develop and adopt a penalty schedule which outlines specific penalties, fines and assessments for violation and non-compliance with the provisions of this ordinance. The penalty schedule shall be reviewed for appropriateness annually by the Utility Commission.

SECTION 8.04. SANCTIONS AUTHORIZED: The following sanctions may be imposed by the Utility Commission for failure of the customer to comply with any provisions of this ordinance or with any duly adopted regulation of the Utility Commission:

- (1) Termination of service(s)
- (2) Assessment of penalties based on a penalty schedule adopted by regulation of the Utility Commission;
- (3) Assessment of late charges based on a schedule adopted by regulation of the Utility Commission;
- (4) Assessment of damages resulting from the customer's non-compliance;
- (5) Forfeiture of all or part of a deposit and any accumulated interest;
- (6) Filing suit for damages in a court of competent jurisdiction; and
- (7) Referring violations that may involve criminal conduct to the police or prosecutor.

SECTION 8.05. SANCTIONS GUIDELINES: The Utility Commission shall use the following guidelines when considering the appropriate sanctions to be imposed in any given case:

- (1) Whether the sanction is required by this ordinance or other applicable law, or whether imposition is discretionary;
- (2) The minimum sanction needed to effect compliance;
- (3) The irreparable harm to the customer and/or family if the sanction is imposed; (4) The irreparable harm to operation of the Program, and to the Tribe, if the sanction is not imposed;
- (5) The customer's past record of compliance or non-compliance, or good faith efforts to achieve compliance;
- (6) The customer's statements or behavior indicating the likely success of a given sanction securing compliance;
- (7) The irreparable harm to other persons or property if the sanction is not imposed; and
- (8) The effectiveness of similar sanctions in securing compliance in other cases.

## ARTICLE IX

### MISCELLANEOUS PROVISIONS

SECTION 9.01. VALIDITY, SEVERABILITY: The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

SECTION 9.02. AMENDMENTS: The Squaxin Island Tribal Council has the power to amend this ordinance at any time. The Tribal Council shall act upon proposed amendments to this ordinance, submitted for action by the Utility Commission, by approval or disapproval of such proposed amendments.

SECTION 9.03. SUSPENSION OF ORDINANCE: No employee, officer, contractor or agent of the Squaxin Island Indian Tribe is authorized to suspend or alter any of the provisions of this ordinance without the formal approval of the Squaxin Island Tribal Council.

SECTION 9.04. EMERGENCY RESPONSE PLAN: An Emergency Response Plan (ERP) shall be prepared and maintained by the Utility Program and included in Appendix A to this ordinance to guide personnel response to ordinary and unusual system malfunctions. The ERP shall consist of a Vulnerability Assessment, Contingency Plan, and Emergency Response Procedures. The ERP shall include standard operating procedures, emergency alert rosters, lists of equipment supplies, technical representative, adjacent utilities, and special need customers (e.g. kidney dialysis users). Proper staffing, training, and communications shall be maintained as well as maintenance of a suitable repair parts inventory.