

TITLE 19

UTILITY CODE

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TITLE 19

UTILITY CODE

Chapter 19.01 General Provisions

19.01.01 Title and Date

This code shall be titled the Port Gamble S'Klallam Tribal Utility Services Water and Sewer Utility Code. The code shall become effective on February 11th, 1992, as enacted into Tribal law by Resolution 92-A-26 which was passed on February 11th, 1992.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.01.02 Purpose

The purpose of this Utility Code is to define the policies, establish an organization, and identify the necessary rules and regulations for the operation, maintenance and management of the water and sewer utilities located on the Port Gamble S'Klallam Reservation.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.01.03 Policy

It shall be the policy of the Port Gamble S'Klallam Tribe to operate, maintain and manage the water and sewer utilities on the Port Gamble S'Klallam Reservation so that the community residents are provided with a high level of environmental protection 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 Port Gamble S'Klallam Tribe that the operation, maintenance and management of the water and sewer utilities shall be carried out through an efficient program and in a financially responsible, cost effective and self-sufficient manner.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.01.04 Jurisdiction

The authority to establish a Utility Committee and Department and to levy appropriate user fees to all residents and organizations operating on the Port Gamble S'Klallam Reservation is provided pursuant to the Port Gamble S'Klallam Tribal Constitution.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

Chapter 19.02 Definitions of Terms

19.02.01 General

Unless the context specifically indicates otherwise, the meaning of terms used in this code shall be set forth in this chapter.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.02.02 Appurtenances

“Appurtenances” are the personal property owned by the Utility Department or the Tribe located on, near or under the roadways and streets, such as fire hydrants and valves.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.02.03 Collection System Lines

“Collection System Lines” are those sanitary sewer lines maintained by the Utility Department by which sewer service is provided to customers. They generally begin at the inlet pipe to the septic tank and include the septic tank, step pump and the line to the sewer main.

[HIST: Adopted by resolution 95-A-082, passed 9/20/95.]

19.02.04 Contractor

“Contractor” shall mean any individual, firm, contractor or organization who contracts with the Utility Department to provide utility repairs, design, inspection, reconstruction or operation.

[HIST: Adopted by resolution 95-A-082, passed 9/20/95.]

19.02.05 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 Department.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.02.06 Customer Lines

“Customer Lines” are the potable water 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 collection or distribution system lines or are maintained by the customer separately.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.02.07 Distribution System Lines:

“Distribution System Lines” are those potable water lines maintained by the Utility Department by which water service is provided to customers.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.02.08 Intermediate Lines

“Intermediate Lines” are those side sewer and/or water extension lines that connect a structure to the Distribution or Collection system lines. They may be owned by the Utility Department or the Customer and the Utility Department may require the installation of these lines and may require that the construction cost be borne by the builder/ developer.

[HIST: Adopted by resolution 95-A-082, passed 9/20/95.]

19.02.09 Manager

“Manager” shall mean an individual hired by or appointed by the Tribe according to established Tribal Personnel Policies to oversee and manage the operation of the Utility.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.02.10 Meter

“Meter” is a device, owned by the Utility Department, for measuring the amount of water provided to a particular customer.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.02.11 Off-Reservation

“Off-Reservation” is any area located outside of the exterior boundaries of the Port Gamble S’Klallam Reservation.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.02.12 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 either maintained and/or operated by the Utility Department or by individual customers.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.02.13 Operator

“Operator” shall mean an individual hired by or appointed by the Tribe according to established Tribal Personnel Policies to provide direct day-to-day preventive maintenance and operational service for the public water and sanitary sewer utilities.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.02.14 Regulation

“Regulation” is a rule or procedure recommended by the Utility Committee and duly adopted by the Tribal Council for purposes of implementing the requirements of this Code.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.02.15 Residents

“Residents” is the term applied to are all persons living on the Port Gamble S’Klallam Reservation whether they are enrolled Tribal Members or any others residing inside the external boundaries of the reservation.

[HIST: Adopted by resolution 95-A-082, passed 9/20/95.]

19.02.16 Septic System Cleaner

“Septic System Cleaner” shall mean any individual, firm, contractor or organization who the Utility Department 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 Port Gamble S’Klallam Reservation.

[HIST: Resolution No. 92A 026, passed 2/11/92.]

19.02.17 Shall, May

“Shall” is mandatory, “May” is permissive.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.02.18 Utility Committee

“The Utility Committee” is the subordinate advisory body appointed by the Tribal Council which is responsible for the oversight of the management of the Utility Department.

[HIST: Adopted by resolution 95-A-082, passed 9/20/95.]

19.02.19 Utility Department

“The Utility Department” is the entity responsible for and authorized to manage the provision of water and sewer utility services for the Port Gamble S’Klallam Tribe, as established by this code.

[HIST: Adopted by resolution 95-A-082, passed 9/20/95.]

19.02.20 Vendor

“Vendor” is any individual, firm, contractor or organization who regularly supplies parts, equipment, supplies or services to the Utility Department which are used in the operation, maintenance and management of the water and sewer utilities of the Port Gamble S’Klallam Reservation.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

Chapter 19.03 Utility Department and Utility Committee

19.03.01 Establishment of Utility Department

There is hereby established the Port Gamble S’Klallam Tribal Water and Sewer Utility Department having the responsibility for operating and maintaining the Tribal water and sewer utilities.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.03.02 Utility Committee

There is hereby established the Port Gamble S’Klallam Tribal Utility Committee to serve as the advisory, administrative and management authority for the Port Gamble S’Klallam Tribal Utility Department.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.03.03 Operating Organization

The Utility Committee 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 Committee shall be set forth in this code and in regulations adopted by the Utility Committee.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.03.04 Powers and Responsibilities

The Utility Committee shall oversee management of the water and sewer utilities of the Tribe.

To fulfill these responsibilities, the Committee shall make recommendations to Tribal Council with regard to:

- (1) The levy and collection of reasonable fees for utility services;
- (2) The hiring and compensation of appropriate management and maintenance personnel;
- (3) The adoption of appropriate regulations to implement the requirements of this Code;
- (4) The disbursement of funds for operation, maintenance and repair of water and sewer utility services; and
- (5) Contracting with vendors and contractors.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.03.05 Membership

The Utility Committee shall be composed of five enrolled tribal members and community members, limited to a maximum of two non-tribal members, neither of which shall be chair. No less than three shall be tribal members. The composition of the Utility Committee shall consist of one Tribal Council member, one Housing Authority Board Member, and three Community Members.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.03.06 Term of Office

Utility Committee Board Member positions shall be appointed or reappointed at the first Tribal Council session immediately following the

Tribal Chair election. In the event that a Utility Committee Board Member loses or resigns from the Tribal Council or Housing Authority Board, his or her appointment to the Utility Committee shall expire immediately, and the Tribal Council shall fill the vacancy by appointment of a new Utility Committee Board Member at the next regular Tribal Council session.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.03.07 Vacancies

If any Utility Committee Board Member misses two consecutive Utility Committee meetings without a valid excuse, the Tribal Council shall declare the position vacant. All vacancies shall be filled within one month. In the event that the number of unfilled Utility Committee Board Member vacancies prevents gathering of a quorum for purposes of conducting business, the Tribal Council shall act as the interim Utility Committee until such time as the filling of Utility Committee Board Members' vacancies allows for a quorum.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.03.08 Officers

The Utility Committee shall elect officers to fill the posts of Chair, Vice Chair and Secretary from among themselves. The officers shall be elected after the appointments have been made to the Utility Committee by the Tribal Council per section 19.03.06.

[HIST: Adopted by resolution 95-A-082, passed 9/20/95.]

19.03.09 Duties of Officers

Officers of the Utility Committee shall assume the following duties:

1. Chair - Shall preside at all meetings, call and arrange all meetings, be responsible for all general management of the Utility Committee's affairs, and perform all duties incidental to the office.
2. Vice Chair - Shall perform all of the Chair's duties in the absence of the Chair and shall assist the Chair as required in handling the Utility Committee's affairs.
3. Secretary - 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 Committee.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.03.10 Meetings

The Utility Committee shall meet regularly and when business demands and requires attention. Regular and special meetings shall be scheduled by the Chair. Any two Utility Committee Members may request the Chair, in writing, to schedule a special meeting of the Utility Committee. If the Chair fails to schedule a meeting within five days after receipt of a written request, any other two Utility Committee Members may call such a meeting. Meetings shall be held in public places, and the Utility Committee shall provide at least 5 days public notice of Committee 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 water and sewer utilities may be in jeopardy. All meetings shall be open to tribal members and to users of the Tribal Water and Sewer Utilities.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95. Resolution No. 14-A-108, passed 8/11/14, amended this section to remove the requirement that the Committee meet no less than once per month.]

19.03.11 Quorum and Voting

A minimum of three Board Members is required to establish a quorum and conduct Utility Committee business. Any action taken by the Utility Committee must be approved by a majority vote of those Board Members present at a Utility Committee meeting. Each Board Member of the Utility Committee, except the Chair, shall be entitled to vote on each matter coming properly before the Utility Committee. The Chair shall vote only in the event of a tie.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.03.12 Meeting Agenda

Regular meetings of the Utility Committee shall be conducted according to the following agenda outline:

1. Call to Order
2. Reading of minutes of previous meeting
3. Report of Finances
4. Report by Manager and/or Operator
5. Old business
6. New business

7. Miscellaneous business
8. Adjournment

19.03.13 Compensation

The Utility Committee shall receive one stipend per board member, per month regardless of the number of meetings or other activities that they may be required to attend. The stipend amount shall be set and approved by the utility committee and shall be of a similar amount received by board members serving on other comparable advisory committees. Prior to any proposed stipend change, the utility committee shall notify the Tribal Council in writing of its intent to change the stipend amount. Stipend amounts received are a matter of public record. Committee Members shall receive compensation for travel and expenses in accord with established Tribal Administrative policy.

[HIST: Adopted by resolution 95-A-082, passed 9/20/95. Amended by resolution 09-A-056, passed 5/12/09, to allow for utility committee stipend amount changes without requiring a change to the Utility Code. Code originally set stipend amounts at \$40.00]

19.03.14 Public Hearings

The Utility Committee shall convene public hearings to discuss changes in utility rates assessed to users of Tribal water and sewer utilities and proposed changes to the Utility Code. All persons who are directly charged for Tribal water and sewer utility services shall be afforded ten days written notice of such hearings, and adequate notices shall be posted at appropriate places within the community.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

Chapter 19.04 Management and Finances

19.04.01 Management Personnel

The Utility Committee shall oversee management, in an advisory capacity, of the business and operating affairs of the Utility Department. The Utility Committee may make recommendations regarding the hiring and contracting personnel for the care and maintenance of the Tribal Utilities (provided that hiring shall be in accordance with tribal personnel policies), and shall establish compensation rates consistent with the Utility Department approved budget. The Utility Committee may delegate only those management duties that are not specifically designated as duties to be performed by the Utility Committee.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.04.02 Annual Budget

The Utility Committee shall propose an annual budget enumerating the necessary costs of water and sewer utility operations, maintenance, administration, personnel, liability and other insurance, replacement, and a reserve for major repairs and replacements. The Department's annual budget will be presented to the Council for its approval prior to the commencement of the Tribe's fiscal year.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.04.03 User Fee Schedule

The annual budget shall be used to determine a fee schedule to be assessed to the users of Tribal Water and Sewer Utilities. The budget and fee schedule shall be approved by the Utility Committee.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.04.04 Contingency Fund

A contingency fund shall be established to build savings for capital improvements to the tribal water and sewer systems. That account shall accrue on an on-going basis from year to year. The money for the fund shall accrue from profits or savings on government water and sewer system construction or Operation and Management (O&M) contracts, periodic set-asides from the annual (O&M) budget, and any other appropriate funding sources. Those funds shall not be used unless approved by motion of the Utility Committee and shall normally only be used for capital improvements or expenditures, or emergency or unforeseen (O&M) expenses that are not covered in the regular (O&M) budget.

[HIST: Adopted by resolution 95-A-082, passed 9/20/95.]

19.04.05 Depository

The depository of the Department shall be in the Tribe's General Account but shall be accounted for by separate accounting statements clearly indicating all receipts taken in for the benefit of Utility Department activities.

19.04.06 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 Tribal Water and Sewer Utility Department. The separate accounting records for the

Department shall be maintained in an appropriate accounting procedures manual. The records of accounts shall be made available to the Tribal Council upon request.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.04.07 Exclusive Use of Funds

The funds accrued by the Utility Department and kept on deposit are for the exclusive use of the Utility Department for the necessary operation, maintenance, and management of the water and sewer utilities. Utility Department 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 Department by other Tribal Departments.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.04.08 Insurance

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

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.04.09 Regulations and Policy

The Utility Committee shall have the authority to make recommendations to the Tribal Council regarding the adoption of appropriate regulations and policy as needed to implement the provisions contained in this code.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.04.10 Regulation, Policy Suspension Alteration

No regulation duly adopted by the Tribal Council may be suspended or altered by any person without prior written authorization of the Tribal Council.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.04.11 Amendments

The Utility Committee shall recommend amendments to this code that it believes necessary to promote the efficient, cost effective and self-sufficient operation of the Utility Department, and shall present such amendments to the Tribal Council for approval.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.04.12 Grievances

Any customer or any applicant for utility services, who is aggrieved by any action of the Utility Department may file a grievance with the Utility Committee. The Utility Committee shall abide by provisions of this code and shall handle such grievances in a manner which provides for due process of law.

All decisions by the Utility Committee on matters that have been submitted for grievance under the Department's grievance procedures shall be considered final. Final decisions of the Utility Committee may be appealed to the Tribal Court by an aggrieved party only on the basis that the Department's grievance procedures were not followed, or that due process was denied. This provision shall not constitute a waiver of sovereign immunity and in no case is the Port Gamble S'Klallam Tribe or the Utility Committee or Utility Department liable for money damages.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.04.13 Non-Waiver of Sovereign Immunity

The Utility Department is a department of the Port Gamble S'Klallam Tribal Government, 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 Port Gamble S'Klallam Tribe or any of its officers, agents, attorneys or employees, or any one else acting at the direction of and on behalf of the Port Gamble S'Klallam Tribe.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

Chapter 19.05 Utility Services - Operation

19.05.01 Services Provided

The services provided by the Utility Department shall include domestic water, sewer and appurtenances. Additional services may be provided upon recommendation by the Utility Committee, and approval by the Tribal Council.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.02 Water Service

The Utility Committee is responsible for providing safe, adequate water for a fee to those houses, businesses and institutions connected to the Distribution System Lines of the community water system. Responsibility for maintenance will include water sources, storage tanks, controls, Distribution System Lines, meters, valves and hydrants, and service lines to the curb stops or meters only. The service line from the curb stop or meter to the house and interior house plumbing are the responsibility of the customer. The individual household water meters are owned by the Utility Department and it is the responsibility of the Department to maintain those meters.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.03 Meters

All homes hereafter that are connected to the community water system are required to install a water meter. All meters for the measurement of utility services provided shall be installed in the location specified by and in accordance with the requirements of the Utility Department. All such meters shall be the property of the Utility Department and shall be maintained by it. All meters shall remain accessible to Utility Department 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 holder of the lot assignment, homebuyer or renter where the meter is located shall be responsible for all damage to, tampering with, or turning the valve on the meter.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.04 Public Water Use Requirements

The holder of the lot assignment, homebuyer or renter of each lot or parcel of real property within an area served by the tribal water system, and where the community water or sewer system is within 200 feet of any dwelling, business or water or sewer service using activity and to which service by such public or community water or sewer system is available, is hereby required, at his or her expense, to connect such facilities to the community water or sewer system in accordance with the provisions of this code. Such installations and connections must be made within 60 days after the date of mailing or personal service by the utility addressed to the holder of the lot assignment, homebuyer or renter to be served notifying

such person or entity to make such connection unless such time shall be extended by the Utility Department.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.05 Obtaining Service Without Authorization

No person shall obtain water or sewer services from Utility Department facilities without authorization. Any person who obtains such unauthorized service by connecting to Utility Department facilities without authorization or by bypassing or tampering with any meter shall be liable to the Utility Department for actual costs and penalties.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.06 Sewer Service

The Utility Department is responsible to provide sanitary disposal of domestic liquid waste, for a fee, to those houses connected to the Collection System Lines of the community sewer system. Responsibility for maintenance includes treatment facilities, pumping stations, mainlines, manholes, step pumps, and service lines to the inlet of the septic tank. The service line from the septic tank inlet to the house, and interior house plumbing are the responsibility of the customer.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.07 Future Services

At some future date the Utility Department may assume responsibility to provide any other utility services that are authorized by the Utility Committee and by Tribal Council resolution.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.08 Maintenance Schedule

The Utility Department shall develop and follow a regular schedule of maintenance service for each water and sewer system and components thereof.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.09 Personnel

The Utility Committee, acting within the established Tribal personnel policies shall, at appropriate times, make recommendations regarding

hiring, evaluating and disciplining or firing, if necessary, the personnel required to manage, operate and maintain the Tribal Water and Sewer Utilities. Existing Tribal Staff may be used and employed by the Utility Department to provide necessary maintenance and management services through agreements approved by the Tribal Council and the Utility Committee. The specific personnel policies of the Tribe shall be followed. Job descriptions for all employees will be developed and followed.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.10 Equipment

All Utility Department equipment shall be maintained according to the established maintenance schedule and quickly repaired when necessary so that disruptions in service are minimized.

Utility Department tools and equipment are not for personal use. Equipment shall not be loaned to other Tribal Departments. 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.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.11 Inventory

An accurate inventory of tools, equipment, and supplies will be kept up to date. A reserve supply of repair parts and regularly used supplies will be maintained by the Department. A listing shall be kept of local suppliers of repair parts, replacement equipment and expendable supplies.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.12 Public Relations

Any person filing a complaint or seeking information shall be given assistance in a courteous manner. Complaints may be presented verbally and in writing to the Utility Committee for resolution and action. The Utility Committee will resolve such complaints at the next regularly scheduled meeting of the Committee.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.13 Emergency Notification

An emergency notification plan will be developed by the Utility Committee 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.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.14 Staff Training

All employees that are newly assigned to operate the utility systems shall receive appropriate training.

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

A training plan for the system operators shall be developed which will provide for upgrading of knowledge and skills in water and sewer utility operations, maintenance and management. The goal of the training program shall be to meet Washington State certification requirements as an Operator or Manager.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.15 Limits of Responsibility

The Department 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 Department, and that is approved and signed by the Utility Committee and owner of such facilities. The Department 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.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.16 Right of Entry - Inspections

The Department, 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 Department 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 Department 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 Department shall obtain a court order authorizing such entry and inspection. Where the permission to enter and inspect is unreasonably withheld, the Department may assess costs and related expenses and add them to the affected customer's bill.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.17 Disruption of Service

The Department may shut off water or sewer-service, provided that advance notice has been given to affected customers. The Department may disrupt traffic on the public right-of-way to perform repairs, provided that advance notice has been given to the Tribe. 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 Department shall not be responsible for consequent damage as a result of lack of water or sewer-during authorized disruptions of service.

The Department 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 sewer to or from any mains, services, hydrants, lines or reservoirs during authorized disruptions of service.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.18 Construction Permission

No connection to, 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 written permission from the Utility Committee. No construction of any private water or sewer system, or other private utility is authorized without written permission from the Utility Committee. The Utility Committee may require such plans from the applicant as it determines are necessary to decide whether or not permission should be granted.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.19 Water Shortage - Service Preference

In cases of a water shortage declared by the Utility Department, the Department shall regulate the amount of water any customer may be allocated. The Utility Committee also may give preference to the customers and/or amounts of water to be allocated, provided the Utility Committee allocates water according to public necessity of convenience, and provides for fair allocations between customers. Any customer violating a legal allocation may have their water service discontinued. Service shall be resumed only upon payment of the approved reconnection fee and any penalties.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.20 Unnecessary Waste of Water

The Utility Committee reserves the right to 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 Department shall notify the customer of the condition and may terminate water to the premises if the condition is not corrected within 12 hours after receipt of the notice by the customer. Service shall be resumed only after correction of the condition causing a wastage of water and payment by the customer of the approved reconnection fee, penalties and any other accounts in arrears to the Utility Committee.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.21 Conservation of Resources

The Department shall conduct operation, maintenance and repair services in a manner that will maximize the conservation of natural, financial, and property resources. Customers of the Department 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 Department 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 Committee.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.05.22 New Customer Services

Any building within the service area of the Utility Department shall be eligible for services, provided all of the following conditions are met:

1. The existing facilities are adequate to meet the additional load, as determined by the Utility Department or its engineers.
2. The new customer agrees to adhere to this Code.
3. Approval is given by the Utility Committee.
4. With new Connections - Water Conservation:

New or existing homes or buildings which are not connected to the community water system at the time of adoption of this code, shall not be allowed to connect to the community water system unless the said facility is equipped with the following water conservation devices which consume water at a maximum of:

*2 gpm for shower heads;

*2-1/2 gpm for kitchen faucets/aerators;

*1 gpm for urinals;

*1.5 gpm for lavatory faucets/aerators;

*1.6 gpm for ultra low flow toilets.

All applicants for new service must be able to show proof that the above conservation devices are or will be installed prior to connection to the community system.

5. With New Connections - Sewer System Provisions:

Homes and other buildings which are not connected to the community sewer system at the time it begins operation shall not be allowed to connect to the system unless the structure has a back-up drainfield. Exceptions to this rule can be granted by the Utility Committee if it is not practical or if soils cannot pass a percolation test.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

Chapter 19.06 Customer Obligations

19.06.01 Conditions For Service, Payments

As a condition for receiving utility services from the Utility Department, the customer agrees to comply with all provisions of this Code, and any

regulations duly adopted by the Tribal Council 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 Utility Department.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.06.02 Designated Customer

Lot holders are the designated customers and are responsible for all obligations under this Chapter, including payment of all utilities and garbage collection. In order for the tribe to bill a person other than the lot holder, the lot holder must file a notarized document with the tribe authorizing permission for a Council-approved resident to pay utilities and garbage. Alternatively, the Tribal Court may authorize a resident to pay utilities and garbage if the lot holder does not file a notarized document. A Council or a Court-approved resident may be authorized to pay utility and garbage bills, but the lot holder remains the customer as defined under this Title and is ultimately responsible for all obligations under this Title.

[HIST: Resolution No. 19-A-151, passed 12/16/19, created this section to clarify that a lot holder is a designated customer and explains the process for the tribe to bill someone other than the lot holder for utility services.]

19.06.03 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 Utility Department in advance of major maintenance or repairs planned for water or sewer lines. The customer shall permit the Utility Department to inspect the work for compliance with applicable regulations. The customer shall be liable for any damage to the Utility Department's lines, equipment or other property caused by the customer, his family, guests, tenants, agents, employees, contractors, licensees, or permittees, or other persons under the customer's control or authority.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.06.04 Customer Termination of Service, Abandonment

A customer planning to vacate any grounds, building or residence served by the Utility Department shall notify the Utility Department 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 Utility Department, or up until service is terminated, whichever comes first.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.06.05 Water Shortages

During water shortages declared by the Utility Department, customers shall limit their use of water according to allocations established by the Utility Department.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.06.06 Inspections

The customer shall not unreasonably withhold permission for the Utility Department to inspect the Department'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 his unreasonable withholding of permission.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.06.07 Written Authorization

The customer shall obtain written authorization from the Utility Department prior to making any connection, re-connection with, disconnection from, or other private use of any Utility Department water or sewer system, road, appurtenance, or other utility service or facility. The customer shall apply and obtain written authorization from the Utility Department or authorized delegate prior to constructing any private water or sewer system, or other private utility.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.06.08 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.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.06.09 Use of Sewer System

The customer shall use the sewer collection, treatment and disposal system only for the disposal of normal household liquid waste including waste from toilet facilities, shower and bathing facilities, clothes washing facilities, and kitchen facilities.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.06.10 Unauthorized Disposal

The customer shall not dispose of any material into the sanitary sewer which may cause the collection lines, subsurface drain field, or septic tank 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..

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.06.11 Toxic Waste Disposal

No customer shall dispose of any toxic, radioactive or otherwise hazardous waste into any Utility Department or private sanitary or storm sewer system. Toxic and hazardous waste includes but is not limited to: oil, pesticides, gasoline, organic solvents, paint, anti-freeze, poisons, and other manufactured chemical compounds.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.06.12 Customer Damage to Lines or Facilities

No customer shall damage any Utility Department lines or facilities through intentional or negligent actions or inaction. Any damage attributable to customer action or inaction shall be paid for by the customer. Failure to pay for damages shall be grounds for disconnection and/or any other sanction provided for in this code.

[HIST: Adopted by resolution 95-A-082, passed 9/20/95.]

Chapter 19.07 Fee Schedules and Billing

19.07.01 Fee Schedule Establishment

The schedule of fees for utility services shall be set annually by the Utility Committee. The fee schedule shall 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, metered rates, penalties and assessments which the Utility Committee is authorized to levy as provided under various sections of this Code. The fee schedule may be adjusted as needed to meet Utility Department operating expenses.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.07.02 Charge for Connection, Fees and Charges

The standard participation contract for sewer or water service shall provide that before the property receives such service, the customer must pay, to the Utility Department, such connection and other charges as provided by this Code. The charge must be paid in full or such arrangement as the Utility Department shall approve for item payments shall be agreed to before connecting to the public sewers or water supply systems of the Utility Department is permitted.

Any such arrangement shall also provide for interest to be collected upon the unpaid balance of the charges at a rate of one percent per month upon the unpaid balance compounded annually. Failure to complete payment of the connection charges shall become a lien against the personal property.

Instead of any charge, the Utility Department, at the discretion of the Utility Committee, may accept from the customer a sewer or water pipeline of sufficient value installed in an easement of public right-of-way, or some other performance reflecting value approximating the charge.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.07.03 Public Notice

The Utility Committee shall hold a public hearing whenever a new fee schedule is proposed for adoption. Thirty 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 Committee shall set a fee schedule, taking into consideration comments received at the hearing.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.07.04 Notice to Customers

A copy of the fee schedule adopted by the Utility Committee shall be sent to each customer at least 30 days prior to the date the established fees take effect.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.07.05 Billing Responsibility

The Utility Committee and/or Utility Department is responsible for billing customers for Utility Services and for garbage collection service. The billing service, however, may be contracted to the Tribe, Housing Authority, other agency or firm at the discretion of the Utility Committee and Tribal Council.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95. Resolution No. 19-A-151, passed 12/16/19, amended this section to include the responsibility of billing customers for garbage collection service.]

19.07.06 Monthly Statement

The first working day of each month the Department 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, if any;
4. The date that payment is due; and
5. The location to mail or deliver payment.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.07.07 Due Date

All payments are due by the 20th of each month.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.07.08. Payments Past Due

Payments not received by the 20th of each month are considered past due. The Department 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.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.07.09 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.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.07.10 Notice of Delinquency

The Department shall immediately notify the customer in writing once his account has been declared delinquent, and water service shall be terminated. Notice of delinquency shall be made by certified mail or such other means to provide proof of receipt by the customer. Once an account has been declared delinquent and services have been terminated, the customer will be required to pay the bill in full, pay the reconnection fee, and install a water meter (through the Utility) prior to re-establishing service unless a meter already exists.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

Chapter 19.08 Enforcement, Penalties, Sanctions

19.08.01 Authority and Enforcement

The Utility Committee is hereby authorized by the Tribal Council to collect established fees for service and to impose sanctions and penalties for non-payment. The Utility Department shall enforce the regulations, fee collections and provisions of this code by shutting off water service of any and all violators and delinquent bill-payers or imposing other penalties and sanctions as authorized.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.08.02 Assessment of Court Fines

The Utility Committee 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.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.08.03 Penalty Schedule

The Utility Committee shall develop and adopt a penalty schedule which outlines specific penalties, fines and assessments for violation and non-compliance with the provisions of this code. The penalty schedule shall be reviewed for appropriateness annually by the Utility Committee.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.08.04 Sanctions Authorized

The following sanctions may be imposed by the Utility Committee for failure of the customer to comply with any provisions of this code or with any duly adopted utility regulation:

1. Termination of services;
2. Assessment of penalties based on a penalty schedule adopted by regulation;
3. Assessment of late charges based on a schedule adopted by regulation;
4. Assessment of damages resulting from the customer's non-compliance;
5. Forfeiture of all or part of a deposit;
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.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.08.05 Sanctions Guidelines

The Utility Committee 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 code 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 Utility Department, 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.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

Chapter 19.09 Miscellaneous Provisions

19.09.01 Validity, Severability

The invalidity of any section, clause, sentence or provision of this code shall not affect the validity of any part of this code which can be given effect without such invalid part or parts.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93.]

19.09.02 Amendments

The Port Gamble S'Klallam Tribal Council has the power to amend this code at any time. The Tribal Council shall act upon proposed amendments to this code, submitted for action by the Utility Committee, by approval or disapproval of such proposed amendments.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.09.03 Suspension of Code

No employee, officer, contractor or agent of the Port Gamble S'Klallam Tribe is authorized to suspend or alter any of the provisions of this code without the formal approval of the Port Gamble S'Klallam Tribal Council.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.09.04 Emergency Response Plan

An Emergency Response Plan (ERP) has been included in Appendix 1 to guide personnel response to ordinary and unusual system malfunctions. The elements in this ERP include standard operating procedures, emergency alert rosters, lists of equipment supplies, technical representatives, adjacent utilities, and special needs customers. Proper staffing, training, and communication, as well as maintenance of suitable repair parts inventory, are also basic to the plan.

The Emergency Response Plan in Appendix 1 consists of a Vulnerability Assessment, Contingency Plan, and Emergency Response Procedures. The

Vulnerability Assessment evaluates the system and potential disasters most likely to affect the Utility. The Contingency Plan summarizes the appropriate actions, priorities, and alert rosters necessary for the Utility Committee. The Utility Department should develop a list of priority service customers, such as kidney dialysis patients, medical centers, or other special use customers in case of an emergency. The Utility Department should maintain supplies and repair materials on hand and have a list of emergency telephone numbers for local equipment suppliers, and adjacent utilities.

An emergency working agreement with a reputable local electrical, pump/motor repair company for support should be maintained.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.09.05 Routine and Preventative Maintenance

The Utility Department shall follow a routine schedule of monitoring and maintaining the facilities within its different systems. Good preventative maintenance is both cost-effective and a deterrent to emergency conditions. Following a set schedule of maintenance activities ensures efficient and reliable system operations and extended life of mechanical equipment. Maintenance forms have been combined with other suggested record keeping documents to ensure a good schedule of system maintenance. Appendix 2 summarizes the suggested routine and preventative maintenance activities and forms.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.09.06 Sampling Procedure and Violation Response Procedure

The Utility Committee has authority to develop procedures to sample and monitor the Tribe's water supply.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]

19.09.07 Cross Connection Control Program

All cross connections between the Utility Department water system and a non-potable supply of water are prohibited.

[HIST: Resolution No. 92A 026, passed 2/11/92. Amended by resolution 93-A-043, passed 6/8/93. Amended by resolution 95-A-082, passed 9/20/95.]