

CHAPTER 6-10 WATER UTILITIES

GENERAL PROVISIONS

6-10-1 **Title and Date**

This Chapter shall be titled the Water Utilities Chapter of the Colville Law and Order Code. This Chapter shall become effective immediately upon adoption by resolution by the Colville Tribal Business Council.

6-10-2 **Purpose**

The purpose of this Chapter is to define the policies, establish an organization and identify the necessary rules and regulations for:

(a) The operation, maintenance and management of the various public water utilities located on the Colville Reservation; and

(b) Management for the provision of essential community water services within the Colville Reservation.

6-10-3 **Policy**

It shall be the policy of the Colville Confederated Tribes to operate, maintain and manage the public water utilities on the Colville Reservation so that the community residents are provided with a high level of water 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 Colville Confederated Tribes that the operation, maintenance and management of the public water utilities shall be carried out through an efficient program and in a financially responsible, cost effective, and self-sufficient manner.

6-10-4 **Jurisdiction**

The authority to establish a Tribal Utility Organization and to levy appropriate user fees to all residents and organizations operating on the Colville Reservation is provided in Articles V and sections 1(a) and 1(e) of the Colville Confederated Tribal Constitution.

DEFINITION OF TERMS

6-10-30 **General**

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter are as follows:

(a) "ALJ" means Administrative Law Judge.

(b) "Appurtenances" means the real and personal property owned by the utility or the Tribes located on, near or under the roadways and streets, such as fire hydrants, valves, water meters, meter boxes, etc.

(c) "Customer" means a person, business agency or other organization that uses, is entitled to use, or is obligated to pay for the use of or provision of services from the Water and Wastewater Department.

(d) "Customer lines" means the potable water 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.

(e) "Distribution system lines" are those potable water lines maintained by the Water and Wastewater Department by which water utility services are provided to customers.

(f) "Meter" means a device, owned by the Water and Wastewater Department, for measuring the amount of water provided to a particular customer.

(g) "Manager" means an individual appointed by the Water and Wastewater Department and hired by Public Works & Utilities Department, or other Department otherwise designated by the Colville Business Council to oversee and manage the operation of the Water and Wastewater Department.

- (h) "Off-reservation" means any area located outside the exterior boundaries of the Colville Reservation.
- (i) "Regulation" means a rule of law or procedure duly adopted by the Department and approved by the Colville Business Council for purposes of implementing the requirements of this Chapter.
- (j) "Tribal community," for the purposes of this Chapter, includes but not necessarily be limited to enrolled Colville Confederated Tribal members.
- (k) "Contractor" means any individual, firm or organization who contracts to provide services or utility repairs, design, inspection, reconstruction or operation.
- (l) "Utility services" means those basic services necessary for supporting residential and commercial development, including, but not limited to water appurtenances.
- (m) "Water and Wastewater Department" means a governmental department of the Colville Confederated Tribes authorized to operate the water utility services provided by the Tribes.
- (n) "Department" means the Water and Wastewater Department of the Colville Confederated Tribes.
- (o) "Vendor" means any individual firm, contractor or organization who supplies parts, equipment, supplies and/or services to the Department.
- (p) "Shall" is mandatory; "may" is permissive.
- (q) "Public utilities" means all utilities owned, operated, or managed by the Colville Confederated Tribes or its designated authority on and for the Colville Reservation.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

WATER and WASTEWATER DEPARTMENT

6-10-80 Establishment of Water and Wastewater Department

There is hereby established the Colville Confederated Tribal Water and Wastewater Department having the responsibility for operating on and maintaining the tribal public water utilities and providing essential community water services directly or by contract.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-81 [Reserved]

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-82 Water and Wastewater Department—Operating Organization

The Water and Wastewater Department shall operate as a subordinate unit of tribal government independent in its daily operation, but responsible to the Tribal Business Council for its actions.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-83 Water and Wastewater Department—Powers and Responsibilities

The Water Department shall manage the public utilities of the Tribes, and obtain and disburse funds as required for operation, maintenance and expansion of the tribal public utilities. To fulfill these responsibilities, the Water and Wastewater Department shall have the power to:

- (a) Levy and collect reasonable fees for water and Wastewater services, including but not limited to monthly service charges, connection fees, penalties, construction permits, and other assessments deemed necessary by the Water and Wastewater Department and approved by the Tribal Business Council;
- (b) Adjust or delay rates or charges for low income or elderly households for health or humanitarian reasons;

- (c) Provide oversight in the hiring of appropriate maintenance personnel, with Public Works & Utilities Department fulfilling the interview, screening, hiring and compensation process as set forth in any Colville Personnel policy;
- (d) Adopt appropriate regulations, with approval from the Colville Business Council, to implement the requirements of this Chapter;
- (e) Authorize disbursement of funds for operation, maintenance and repair of utility services by utilizing existing tribal property and procurement policies;
- (f) Contract with vendors and contractors to assure that safe and reliable water services are available to and utilized by the residents of the Colville Reservation;
- (g) Maintain a level of active involvement with vendors, contractors, and federal agencies to assure that adequate water services are available and provided to the residents of the Colville Reservation;
- (h) Authorize the Central Accounting Department to invest reserve account funds. Authorization to expend funds with annual budget preparation and upon approval of the Water and Wastewater Department;
- (i) To implement necessary measures to meet monitoring requirements set on the utilities as mandated by federal agencies for tribal compliance;
- (j) Impose sanctions on customers in accordance with section 6-10-303.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

MANAGEMENT AND FINANCES

6-10-120 Management Personnel

The Water and Wastewater Department Manager shall manage the business and operating affairs of the Utility Department. The Water and Wastewater Department Manager may facilitate the hiring and contracting of personnel for the care and maintenance of the tribal water utilities, provided that hiring shall be in accordance with tribal personnel policies and the interview, screening and appointment be approved by Public Works & Utilities. The Water and Wastewater Department shall establish compensation rates consistent with the Public Works & Utility Department approved budget.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-121 Annual Budget

The Public Works Department shall establish an annual budget enumerating the necessary costs of the Water and Wastewater Department’s operation, maintenance, administration, personnel, liability and other insurance, equipment replacement, and a reserve for major repairs and capital expenditures. The budget shall be prepared by Public Works & Utilities and submitted through the Public Works & Utilities Department to accounting for administrative review.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)
(Amended 6/20/02, Resolution 2002-386)
(Certified 7/1/02)

6-10-122 User Fee Schedule

The annual budget shall be used by the Water and Wastewater Department to determine a fee schedule to be assessed to the users of the tribal water utilities. The budget and fee schedule shall be ratified by the Tribal Council. The fee schedule shall be a separate document titled “User Fee Schedule”, and to include water rates with additions to the rates for future service upon attachment.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-123 Fiscal Year

The fiscal year for the Water and Waste Department shall be the same as the fiscal year of the Colville Tribal Government.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-124 Depository

The depository of the Water and Wastewater Department shall be a separate commercial account or accounts in any bank selected by the tribal central accounting. Said account shall be in the name “Colville Tribal Water and Wastewater Department.”

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-125 Investments

Funds on deposit in excess of thirty (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 Accounting Department. Withdrawals of investments require the approval of the Water and Wastewater Department Manager and the Manager of the Public Works & Utilities Department. Withdrawals from accounts shall be managed by central accounting personnel and signed by the tribal signatory authority with monthly reports to the Water and Wastewater Department.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-126 Disbursement and Receipts

The Water and Wastewater Department shall determine the distribution of funds required for the operation, maintenance and management of the tribal water utilities. Disbursements will be made by check upon presentation of invoices or vouchers. Disbursements shall be made by the Central Accounting Department. The checks written shall be signed by a signatory authority of the department/administration or designated tribal signor. 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.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-127 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 Water and Wastewater Department. The separate accounting records for the department shall be maintained in an appropriate business like manner. The records of accounts shall be made available to the Tribal Council upon request.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-128 Exclusive Use of Funds

The funds accrued by the Water and Wastewater Department and kept on deposit are for the exclusive use of the Water and Wastewater Department for the necessary operation, maintenance, and management of the tribal water utilities. Water and Wastewater Department funds shall not be transferred or loaned to the tribal general fund or any other accounts of the Tribes or other tribal department, except to pay for services provided to the Water and Wastewater Department, Utility Department of Public Works & Utilities Department by other tribal departments as authorized by the Department Manager and through the tribal procurement process that may be reviewed by the Water and Wastewater Department.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-129 Audit and Reports

The accounts of the Water and Wastewater Department will be audited annually at the close of the fiscal year at the expense of the Water and Wastewater Department. Annual and periodic reports will be submitted by the Water and Wastewater Department to the Tribal Council.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-130 Insurance

Fire and other insurance on property owned or used by the Water and Wastewater Department or on property in which the Water and Wastewater Department has an insurable interest shall be in amounts and type of coverage specified by the Water and Wastewater Department. 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.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-131 Regulations and Policy

The Water and Wastewater Department shall have the authority to adopt appropriate regulations and policy as needed to implement the provisions contained in this Chapter. 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 transmitted to the Tribal Council within forty-eight (48) hours after adoption. Any regulation may be rescinded or approved by the Tribal Council at its discretion.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-132 Regulation—Policy Suspension Alteration

No regulation duly adopted by the Water and Wastewater Department may be suspended or altered by any person without prior written authorization of the Utility Authority.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-133 Amendments

The Water and Wastewater Department shall recommend amendments to this Chapter 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.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-134 Administrative Appeals

(a) Any customer or any applicant for utility services, who is aggrieved by final agency action of the Water and Wastewater Department, may file an administrative appeal with an Administrative Law Judge. Only the following final decisions by the Water and Wastewater Department may be reviewed by the ALJ:

- (1) Disruption or shutting off water services;
- (2) Billing or charges levied by the Department;

(b) The only remedies available under this code are:

- (1) Reversal of the termination or shut-off decision and order the services turned on.
- (2) Ordering increases or reductions to billing or charges levied by the Department.

In hearing an administrative appeal, the ALJ shall abide by the laws set forth in this Chapter and shall handle such grievances in a manner which provides for due process of law.

All decisions by the ALJ on matters that have been submitted for administrative appeal under the ALJ administrative appeal procedures shall be considered final.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-135 Non-Waiver of Sovereign Immunity

The Water and Wastewater Department is an agency of the Colville Confederated Tribes, and thereby retains all rights of sovereign immunity of the Tribes. By providing services and entering into service agreements, the authority shall not possess the authority waive the sovereign immunity of the Colville Confederated Tribes or any of its departments, divisions, officers, agents, employees, or any one else acting at the direction of and on behalf of the Colville Confederated Tribes.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

WATER AND WASTEWATER SERVICES OPERATION

6-10-170 Services Provided

The services provided by the Water and Wastewater Department shall include public water only. Additional services may be provided upon approval by the Tribal Council.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-171 Water Service

The Water and Wastewater Department is responsible to provide safe, adequate water for a fee to those houses connected to the mainlines of the community water system. Responsibility for maintenance will include water sources, storage tanks, controls, mainlines, valves, 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 Water and Wastewater Department and it is the responsibility of the department to maintain the meters.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-172 Future Services

At some future date the Water and Wastewater Department may assume responsibility to provide other utility services.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-173 Maintenance Schedule

The manager shall develop and follow a regular schedule of maintenance service for each water system and components thereof. A record shall be kept of all routine maintenance and needed repairs performed.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-174 Personnel

The Water and Wastewater Department shall facilitate the Public Works and Utility Department to hire, evaluate and discipline or fire if necessary the personnel required to manage, operate and maintain the public utilities. The specific personnel policies of the Tribes shall be followed. Job descriptions for all employees will be developed and followed.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-175 Purchasing

The Water and Wastewater Department shall engage in all purchasing consistent with the Colville Tribes' purchasing policies and procedures.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-176 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. 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.

6-10-177 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 repairs parts, replacement equipment and expendable supplies.

6-10-178 Public Relations

Any person filing a complaint or seeking information shall be given assistance in a courteous manner. Complaints may be presented verbally or in writing to any department staff member for resolution and action. Complaints that cannot be resolved within ten days should be referred to the Water and Wastewater Department in writing. The Water and Wastewater Department will resolve such complaints at the next regularly scheduled meeting of the authority.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-179 Emergency Notification

An emergency notification plan will be developed by the Water and Wastewater Department 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 water related conditions which may adversely affect the health of the community residents or visitors.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-180 Staff Training

All employees that are newly assigned to operate the water systems shall receive instruction from an experienced operator before the new employee assumes responsibility for operations.

The Water and Wastewater Department will assure that operators maintain current knowledge of water system operation techniques. A training plan for the operators shall be developed which will provide for upgrading of knowledge and skills in water system operations, maintenance and management. The department manager shall be required to possess a current Washington State certification as water distribution manager level 1.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-181 Limits of Responsibility

The department shall not be responsible for, nor shall it maintain or repair, any private or domestic water system except by specific agreement establishing fair rates of compensation to the Water and Wastewater Department, and that is approved and signed by the Water and Wastewater Department and owner of such facilities. The Water and Wastewater 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 lines or fixtures, driveways or parking lots, hydrants or lighting.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-182 Right of Entry—Inspection

The Water and Wastewater Department, or its authorized representative, is hereby authorized to make limited, reasonable inspection, at reasonable times, of any grounds, building or residence served by the Water and Wastewater 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 Water and Wastewater Department shall give the customer at least twenty- four (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 Water and Wastewater Department shall obtain a court order authorizing such entry and inspection. Where the permission to enter and inspect is unreasonably withheld, the Water and Wastewater Department may assess court costs and related expenses and add them to the affected customer's bill.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-183 Disruption of Services

The Water and Wastewater Department may shut off water service, or disrupt traffic on the public right-of-way to perform repairs, provided that advance notice has been given to affected customers. 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 Water and Wastewater Department shall not be responsible for consequent damage as a result of lack of water sewerage 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 to or from any mains, services, hydrants, lines or reservoirs during authorized disruptions of service.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-184 Permits

No connection, re-connection with, disconnections from, or other private use of any Water and Wastewater Department water system, or appurtenance shall be made without written permission of the Manager. No construction of any private water system is authorized without written permission from the Manager. The Water and Wastewater Department may require such plans from the permit applicant as it determines are necessary to decide whether or not a permit should be issued. The Water and Wastewater Department may also require and establish a fee for construction permits. All temporary users (water trucks, drillers, etc.) shall obtain a permit from the Water and Wastewater Department pursuant to applicable permitting regulations and are subject to inspection by the utility manager/authority.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-185 Water Shortage—Service Preference

In cases of a water shortage proclaimed by the Water and Wastewater Department, the Water and Wastewater Department shall regulate the amount of water any customer may be allocated. The Water and Wastewater Department also may give preference to the customers and/or amounts of water to be allocated, provided the Water and Wastewater Department 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.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-186 Unnecessary Waste of Water

The Water and Wastewater Department reserves the right to terminate customer's service when the customer has repeatedly, and unduly wasted water. Such undue waste is evidenced by the fact that hydrants, taps, hoses and other fixtures are permitted to run continuously without specific prior approval of the authority. Where such conditions have been observed, the Water and Wastewater Department having been notified of the condition may terminate water to the premise if the condition is not corrected within forty-eight (48) hours after receipt of the notice. Service shall be resumed only after correction of the condition causing wastage of water and payment by the customer of the approved re-connection fee, penalties and any other accounts in arrears to the Water and Wastewater Department.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-187 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. 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 Water and Wastewater Department.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-188 New Customer Services

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

- (a) Facilities as determined by the Water and Wastewater Department are adequate to meet the additional load;
- (b) New customer agrees to adhere to this Chapter;
- (c) Approval by the Water and Wastewater Department;
- (d) 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 Chapter, shall not be allowed to connect to the community water system unless the said facility is equipped with the following water conservation devices: 2 gpm shower heads; 2-1/2 gpm kitchen faucets/aerators; 1 gpm urinals; 1.5 gpm lavatory faucets/aerators; 1.6 gpf 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.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-189 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 accordance with the requirements of the Water and Wastewater Department in such locations as the Water and Wastewater Department shall direct. All such meters shall be the property of the Water and Wastewater Department and shall be maintained by it. All meters shall remain accessible to Water and Wastewater Department personnel and no person shall obstruct or tamper with any meter. Such obstruction or tampering shall be a violation of this Chapter and subject the violator to actual damages and civil penalties under this Chapter. The assignee of the property on which the meter is located shall be responsible for all damage of tampering or turn off/on water valve with such meter.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

CUSTOMER OBLIGATIONS

6-10-220 Conditions for Services, Payments

As a condition for receiving utility services from the Water and Wastewater Department, the customer shall comply with all provisions of this Chapter, and any regulations duly adopted by the Water and Wastewater Department and approved by the Colville Business 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 Department. The customer shall keep a balanced account with the Water and Wastewater Department for services rendered.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-221 Maintenance—Repairs—Liability

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

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-222 Customer Termination of Services—Abandonment

A customer planning to vacate any grounds, building or residence served by the Water and Wastewater Department shall notify the Water and Wastewater Department in writing one (1) 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 (1) week after notice is received by the Water and Wastewater Department, or up until service is terminated, whichever comes first.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-223 Water Shortages

During water shortages declared by the Water and Wastewater Department, the customer shall limit his use of water according to allocations established by the Water and Wastewater Department.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-224 Inspections

The customer shall not unreasonably withhold permission for the Water and Wastewater Department to enter and inspect the Water and Wastewater Department's and customer's fixtures, line 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.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-225 Permits

The customer shall obtain written permission from the Water and Wastewater Department prior to making any connection, re-connection, with, disconnection from, or other private use of any Water and Wastewater Department water system or appurtenances. The customer shall obtain written permission from the Water and Wastewater Department prior to constructing any private water system. All fees assessed by the Water and Wastewater Department shall be paid by the customer prior to construction.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-226 Cross-Connection

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 system, either water or waste. Any individual source must be totally disconnected from the household plumbing prior to connection to the tribal water supply. "Disconnection" done solely by a valve shall not be allowed. The Water and Wastewater Department shall have the authority to disconnect any cross-connections prohibited under this Chapter. The customer or individual responsible for any prohibited cross-connection shall be liable for any costs associated with disconnection or other damage caused to any public water system.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

FEE SCHEDULE AND BILLING

6-10-260 Fee Schedules Establishment

The schedule of fees for water utility services shall be set annually by the Water and Wastewater Department. The fee schedule shall be based on the estimated average annual costs for operation of all water utility services. The fee schedule shall include a basic rate for all services, payments 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 Water and Wastewater Department is authorized to levy as provided under various sections of this Chapter. The fee schedule may be adjusted as needed to meet utility operating expenses. The fee schedule may include, user fees; meter fees; construction permit fees; late payment charges; and other assessments determined by the Water and Wastewater Department and approved by the Colville Business Council.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-261 Public Hearing

The Water and Wastewater Department shall hold a public hearing whenever a revised fee schedule is proposed for adoption. At least five (5) 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 Water and Wastewater Department shall present a fee schedule to the Colville Business Council for Colville Business Council approval, taking into consideration comments received at the hearing.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-262 Notice to Customers

A copy of the Colville Business Council Approved fee schedule adopted by the Water and Wastewater Department shall be sent to each customer at least thirty (30) days prior to the date the established fees take effect.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-263 Billing Responsibility

The Water and Wastewater Department is responsible for billing customers for utility services. The billing service, however, may be contracted to the Tribes, Housing Authority, or other agency or firm at the discretion of the Water and Wastewater Department and Colville Business Council.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-264 Periodic Statement

Each billing period determined by the Department, the Department shall mail to all utility customers a statement detailing the following information:

- (a) The customer's name and account number;
- (b) The types and levels of service used in the current month;
- (c) The billed cost of the current month's service, plus an accounting of bills or charges past due, if any;
- (d) The date that payment is due; and
- (e) The location to mail or deliver payment.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-265 Due Date

The monthly date on which payment will be due shall be established by duly enacted Water and Wastewater Department regulation.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-266 Payments Past Due

Payment not received within ten (10) days after the established due date are considered past due. The Water and Wastewater 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.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-267 Delinquent Account

If the payment past due is not paid within ten (10) days after the next regular monthly due date, the account shall be declared delinquent.

6-10-268 Notice of Delinquent

The Water and Wastewater Department shall immediately notify the customer in writing once his account has been declared delinquent, and list the sanctions that may be imposed without further notice.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-269 Advance Deposits

The Water and Wastewater Department 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 Water and Wastewater Department 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 deposits funds will be returned to the customer.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

ENFORCEMENT—PENALTIES—SANCTIONS

6-10-300 Authority and Enforcement

The Water and Wastewater Department is hereby authorized by the Colville Business Council to collect established fees for service and to impose sanctions and penalties for nonpayment in accordance with the Colville Business Council approved fee and penalty schedules. The Water and Wastewater Department shall enforce its regulations, fee collections and provisions of this Chapter by shutting off water and/or sewer service of any and all violators and delinquent bill-payers or imposing other penalties and sanctions as authorized.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-301 Attachment of Customers Property

The Water and Wastewater Department 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.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-302 Penalty Schedule

The Water and Wastewater Department shall develop and adopt a penalty schedule which outlines specific penalties, fines and assessments for violation and non-compliance with the provisions of this Chapter. The penalty schedule shall be approved by the Colville Business Council.

(Amended 9/1/11, Resolution 2011-595)
(Certified 9/19/11)

6-10-303 Sanctions Authorized

The following sanctions may be imposed by the Water and Wastewater Department for failure of the customer to comply with any provisions of this Chapter or with any duly adopted regulation of the Water and Wastewater Department. The Water and Wastewater Department may delay or adjust sanctions for low income or elderly households for health or humanitarian reasons.

(a) Termination of service(s);

(b) Assessment of penalties based on a penalty schedule adopted by Colville Business Council approved regulation of the Water and Wastewater Department;

(c) Assessment of late charges based on a schedule adopted by Colville Business Council approved regulation of the Water and Wastewater Department;

(d) Assessment of damages resulting from the customer's non-compliance;

(e) Forfeiture of all or part of a deposit and any accumulated interest;

(f) Filing of a lien against the customer's property after the account is declared delinquent;

(g) Enforcing a lien by seeking judgment, and satisfaction from the customer's property from a court of competent jurisdiction;

(h) Filing suit for damages in a court of competent jurisdiction; and

(i) Referring violations that may involve criminal conduct to the police or prosecution.

(Amended 9/1/11, Resolution 2011-595)

(Certified 9/19/11)

6-10-304 Sanctions Guidelines

The Water and Wastewater Department shall use the following guidelines when considering the appropriate sanctions to be imposed in any given case:

(a) Whether the sanction is required by this Chapter or other applicable law, or whether imposition, is discretionary;

(b) The minimum sanction needed to effect compliance;

(c) The irreparable harm to operation of the Water and Wastewater Department and to the Tribes, if the sanction is not imposed;

(d) The customer's past record of compliance or noncompliance, or good faith efforts to achieve compliance;

(e) The irreparable harm to other persons or property if the sanction is not imposed; and

(f) The effectiveness of similar sanctions in securing compliance in other cases.

(Amended 9/1/11, Resolution 2011-595)

(Certified 9/19/11)

MISCELLANEOUS PROVISIONS

6-10-330 Validity, Severability

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

6-10-331 Amendments

The Colville Business Council has the power to amend this Chapter at any time. The Colville Business Council shall act upon proposed amendments to this Chapter, submitted for action by the Water and Wastewater Department, by approval or disapproval of such proposed amendments.

(Amended 9/1/11, Resolution 2011-595)

(Certified 9/19/11)

6-10-332 Suspension of Chapter

No employee, officer, contractor or agent of the Colville Confederated Tribes is authorized to suspend or alter any of the provisions of this Chapter without the formal approval of the Colville Business Council.

(Amended 9/1/11, Resolution 2011-595)

(Certified 9/19/11)

(Chapter 6-10 Adopted 10/5/95, Resolution 1995-656)