

## **ORDINANCE NO. 18**

### **WATER AND SANITATION AUTHORITY**

**STATEMENT OF PURPOSE:** The purpose of the Saginaw Chippewa Water and Sanitation Authority will be to manage, operate and maintain the water and sanitation systems for the Saginaw Chippewa Indian Tribe of Michigan (“Tribe”).

**BE IT ENACTED,** by the Saginaw Chippewa Tribal Council as follows:

**SECTION 1.** Short Title. This Ordinance may be cited as the Saginaw Chippewa Water and Sanitation Authority.

**SECTION 2.** Authority. This Ordinance is enacted pursuant to Article IV Section 1(h) and (j) of the Amended Constitution of November 4, 1986 and Tribal Resolution 87-064.

**SECTION 3.** Declaration of Need.

- a. There exists a need for safe water and sanitation facilities within the Saginaw Chippewa Reservations.
- b. It is of Tribal concern and part of the Tribe’s governmental functions to provide safe water and sanitation facilities for Tribal members, the Tribal community, and those other entities, enterprises, or persons requiring water and sanitation services.
- c. That continued residential, commercial and industrial construction within the Reservation are important factors to general economic activity and that the undertaking authorized by this Ordinance to manage, operate and maintain a Tribal water and sanitation system, will make possible a more stable and larger volume of safe residential, commercial and industrial construction.
- d. That such an Ordinance is in the public interest.

**SECTION 4.** Definitions.

- a. "Authority" means the Utilities Department of the Tribe which, for purposes of this Ordinance, shall be considered and described herein as the Water and Sanitation Authority.
- b. "Council" means the Saginaw Chippewa Tribal Council.
- c. “Customer” means person(s), entity(ies), or enterprise(s) to whom this Ordinance applies.
- d. "Supervisor of Operations" or “Supervisor” means the individual responsible for the day to day operation of the Authority, more specifically, the Director of Utilities or his/her designee, or any other position responsible for overseeing such operations as duly appointed by Tribal Council.
- e. "System" means the Saginaw Chippewa water and sanitation/sewage system.
- f. “Facilities and Structures” means any buildings, including both residential and non-gaming commercial, which are connected to,

utilize the services of, or require usage of the System.

**SECTION 5.** Services to be Offered.

- a. **Water System:** The Authority is responsible to provide safe, adequate water to those residences and other entities connected to the mainlines of the Tribal water systems. Responsibility for maintenance will include water sources, storage tanks, controls, mainlines, valves and hydrants and service lines to the property lines only. The service line from the property line to the residence and interior residence plumbing/entity or interior entity plumbing are the complete responsibility of the Customer .
- b. **Sewage Service:** The Authority is responsible to provide sanitary disposal of waste for those residences and other entities connected to the mainlines of the Tribal sewage systems. Responsibility for maintenance will include treatment facilities, pumping stations, mainlines and man-holes, and service lines to the property lines only. The service line from the property line to the residence and interior house plumbing/entity or interior entity plumbing are the complete responsibility of the Customer .
- c. **Qualified Personnel:** To insure the provision of adequate water and sewage services, the Authority will retain qualified personnel on duty or on call at all times in order to respond quickly to breakdowns and other emergencies.
- d. **Other Services:** The Authority may agree to perform under contract with governmental, Tribal, or private bodies for construction or operating and maintenance services.

**SECTION 6.** Water Meters. Water meters will be installed on Facilities and Structures that are connected to the System to enable the Authority to monitor the amount of water consumed through the System.

- a. Facilities and Structures standing prior to September 24, 2008, must have a water meter installed not later than 90 days following September 24, 2008
- b. Facilities and Structures constructed after September 24, 2008, must have a water meter installed at the time of construction.
- c. Customers owning non-gaming commercial Facilities and Structures shall be solely responsible for both the cost of obtaining and installing their own water meters.
- d. The Authority, or designated agents thereof, shall be permitted to enter onto any property utilizing the services of the System during regular business hours to inspect and read utility meters, and if necessary make repairs, additions, alterations or improvements to any System, utility, or metering property or equipment.

**SECTION 7.** Maintenance Schedule. The Authority will develop and follow a regular schedule of maintenance for the System. These services will include, but not be limited to,

following:

- a. Water Systems-
  1. Inspect and operate valves and hydrants.
  2. Inspect and repair watermains for leaks or damage.
  3. Flush water lines.
  4. Inspect storage tanks and level indicators.
  5. Adjust and service controls.
- b. Sewage Systems-
  1. Flush sewer mains.
  2. Remove debris from man-holes.
  3. Control weeds and erosion at lagoons.
  4. Inspect and service station and mechanical aerations.
  5. Inspect individual septic tanks.

**SECTION 8. System Financing.**

- a. It has been projected that the maintenance and operation costs for fiscal year 1988 will be \$18,000.00. Initially the Tribal Council and the Saginaw Chippewa Housing Authority will provide start up funding in the projected amount for fiscal year 1988 for the maintenance and operation costs of the System , for Tribal members usage only.
- b. After fiscal year 1988 the Authority shall be responsible for submitting an annual budget. This annual budget will be calculated on a per member residential cost, based upon the following criteria:
  1. Water Service \$25.00/month
  2. Sewer Service \$15.00/month
  3. Reconnection-  
After Shutoff \$50.00
  4. New Water and Sewer-  
Service (Permit \$200.00 + Cost  
Required Also) of Sewer Line
  5. Septic Tank \$50.00
  6. Plumbing Repairs Cost of Labor  
and Materials + 25%

**SECTION 9. Rate Schedule.** Pursuant to Section 8 herein, there shall be no fees for services to Tribal members. However, there shall be a non Tribal member residential and non-gaming commercial fee schedule which shall be as follows (The commercial fee schedule shall be reviewed annually and any changes to such fees will be included in the consumer confidence report as approved by Tribal Council):

**NON MEMBER RESIDENTIAL**

- a. Water service \$25.00/month for the first 15000 gallons and thereafter a rate of \$2.42 per 1000 gallons

- b. Sewer service \$15.00/month
- c. Reconnection after shut off \$50.00
- d. New water & sewer service (permit required also) \$200.00 plus cost of sewer line

**NON-GAMING COMMERCIAL**

Flat fee	5/8" Meter	\$15.00
(per Quarter)	1" Meter	\$38.85
	2" Meter	\$124.20
	Over 2" and up to 4" Meter	\$400.00
	Over 4" Meter	As determined on an individual basis by the Authority

Monthly Variable Rate \$2.42 per 1000 gallons

Sewer Rate \$2.52 per 1000 gallons (Gallons charged are based on 80 % of water usage)

- Miscellaneous Fees \$15.00 to tag for a shutoff
- \$15.00 for non-emergency shutoff
  - \$30.00 for non-payment shutoff
  - \$25.00 for meter removal (snowbird)
  - \$25.00 to reinstall meter (snowbird)
  - \$50.00 for reconnection after shut off

**SECTION 10. Billing and Collection.**

- a. The Authority will maintain a complete and up-to date record of all Customers served by the System operated by the Authority. Additions and deletions will be made as soon as the Authority learns of changes.
- b. The Authority will monitor all Customers served by the System, including determining payments required and money owed by each non member residential and non-gaming commercial Customer. Upon determining what each Customer owes for System services, the Authority shall provide such determinations in writing to the Tribal Accounting Department whereby the Accounting Department will then properly bill the Customer. The Tribal Accounting Department will type and mail to each non member

residential and non-gaming commercial Customer a bill for services and payment will be due as provided for in such bill. Non payment by the date set forth in the bill will be the cause for the Authority to shut off the Customer's service.

- c. Customers may make a payments by check or money order to the Tribal Accounting Department, at its office, and the Customer will receive a signed receipt for payment. The Tribal Accounting Department will maintain a complete and up-to date record of all billing provided for the System services.
- d. If a Customer's water service is discontinued such Customer must pay all applicable delinquent charges plus the applicable reconnection fee before the Authority will restore such Customer's water service.
- e. Customers who live in residences managed by the Tribe's Housing Department or other Tribal enterprises, and whom currently have leases which provide that water and sewer payments will be included in their rental payment, will continue to make water and sewer payments along with their rental payment. The agency collecting the rental payments then will pay the Tribal Accounting Department for the use of water and sewer services for all of its occupants. The agency will receive a receipt for this payment.
- f. Customers requesting new services or reconnection, shall make arrangements with the Supervisor of Operations for payment prior to receiving the services. Normally, all charges will be due on the next month's bill. Customers shall be solely responsible for obtaining plumbing repairs, or plumbing of septic tank, and shall submit documentation to the Authority of any completed work on the same.

## **SECTION 11.**

### **Customer Billing Complaints.**

- a. An aggrieved Customer may seek a redetermination by the Authority of Customer's bill for System services, including assessment and payment of the same. An aggrieved Customer may file for a redetermination of the amount billed for System services no later than 15 days following the due date for the payment of such bill. The redetermination process shall be commenced by the filing of a Request for Redetermination with the Supervisor. The Request for Redetermination shall set forth the facts and arguments supporting the request and shall identify the errors of the Customer's bill for System services and specifically identify any refunds claimed to be due. A Request for Redetermination filed later than the time limits provided by this section shall not be valid and shall not be considered by the Supervisor.
- b. Upon receipt of a Request for Redetermination, the Supervisor shall provide the Customer a reasonable opportunity to present argument to the Supervisor, either in writing or orally. After hearing argument and considering relevant evidence, the

Supervisor shall issue a final decision on the matter. The Supervisor may order such relief as he/she deems appropriate, including a refund of money paid.

**SECTION 12.**

Enforcement.

- a. The Authority is hereby authorized by the Tribal Council to collect fees for services and to shut off services for non-payment and noncompliance.
- b. The Authority shall enforce its regulations and fee collections by shutting off water service of any and all violators and delinquent bill-payers. The Authority 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.
- c. The Authority shall have the authority to bring actions in the name of the Saginaw Chippewa Indian Tribe in any court of competent jurisdiction for the collection of any unpaid bills or penalties, or for the enforcement of the provisions of this Ordinance. The Authority may seek any appropriate civil remedy in such actions.

**SECTION 13.**

Bookkeeping and Handling of Funds.

- a. The Authority and the Tribal Accounting Department will follow normal Tribal procedures for bookkeeping and banking, where applicable.
- b. Actual handling of the Authority's funds will be performed by the Tribal Treasurer, or his/her designated agent, bonded for \$25,000.00.
- c. All accounts and ledgers of the Authority and the Tribal Accounting Department relating to System services and billing for the same shall be available for audit at any time by the Tribal Auditor.

**SECTION 14.**

Management.

- a. The Supervisor of Operations will manage the daily operations of the Authority. The Supervisor will have responsibility to direct the work of all employees of the Authority. The Supervisor shall establish a direct chain of command for orderly functioning of the office and operation of the utility systems.
- b. Job descriptions for all employees will be followed.

**SECTION 15.**

Amendments or Revisions. This Ordinance may be amended by a simple majority by the Tribal Council as provided by law.

**SECTION 16.**

General Tribal Court Jurisdiction. The Tribal Court is hereby granted exclusive subject matter jurisdiction over causes of action that may arise

from the implementation of this Ordinance.

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### Legislative History

Ordinance No. 18 was enacted on November 9, 1987. Revised by Resolution 08-124 on September 24, 2008.