

STEWARTS POINT RANCHERIA
KASHIA BAND OF POMO INDIANS
UTILITY DISTRICT
POLICY AND PROCEDURES

ORDINANCE #3

As the duly elected governing body of the Stewarts Point Rancheria, Kashia Band of Pomo Indians, the Kashia Business Committee will provide all necessary governmental services, IES, BIA, and EPA programs including waste water disposal and water services to the residences of the Stewarts Point Rancheria. The Kashia Business Committee establishes on the Rancheria a Utility District with Board of Directors, sanctioned by the Kashia Business Committee to operate and maintain the Utility District.

Creation of Utility District: A Utility District is hereby created, consisting of an existing water system and a newly installed wastewater disposal system. The Utility District is created for the purpose of supplying domestic water and wastewater disposal needs to the residents of the Stewarts Point Rancheria.

Purpose: The purpose of the Utility District shall be to carry on the day to day operation and maintenance of the water system and wastewater disposal system, hereinafter referred to as the Utility District, under the direction of the Kashia Business Committee.

- 1) Supply the residences of the Stewarts Point Rancheria with domestic water and wastewater disposal needs.
- 2) To maintain the domestic water and wastewater disposal system.

Powers: The powers of the District shall be to acquire funds for operating and maintaining the Utility District and waste disposal system.

Place of Business: The principal place of business shall be the STEWARTS POINT (KASHIA) RANCHERIA.

Member Participation: The Utility District is to be operated on cooperative basis. Each member participating in this Utility District shall be entitled to one vote. A quorum for any regular or special meeting is _____ of the participating members of the Utility District.

Note: Each tribal member head of household or tribal designee by written notice, participating whose payment is not delinquent is entitled to one vote.

Management:

1) The management shall be vested in a committee of four (4) members; each of whom shall be a resident member whose payment is not delinquent of the STEWARTS POINT (KASHIA) RANCHERIA. Hereafter this management committee of four (4) members shall be referred to and known as the "Board of Directors".

2) The four (4) Directors shall be elected by ballot and shall hold office until their successors have been elected and until they have instructed said successors of their duties. The fourth Director shall appoint a Utilities District Manager who shall serve, with compensation, in an amount determined by the District to maintain operations of the District only. This appointee shall only maintain the system, with no voting powers to the Board of Directors.

3) The Board of Directors shall manage the District in accordance with the policies and procedures approved by the Community Council.

4) Charges for water services shall be determined by the Board of Directors. The rate set shall be sufficient to operate, maintain and replace the STEWARTS POINT (KASHIA) RANCHERIA Community Water Facilities.

5) Rules and regulations, adopted by the Board of Directors of this district shall insure a high degree of efficiency in the operation and maintenance of domestic water facilities and waste disposal system.

6) The Board of Directors shall be organized according to the ordinances and the terms of office shall be four (4) years. It shall be that the term of office of two members of the Board of Directors will expire every two (2) years. Terms of the first elected President and Vice-President shall expire after four (4) years. The terms of the first elected Secretary and Treasurer shall expire after two (2) years. Thereafter, the subsequent elected Secretary and Treasurer shall serve for four (4) years.

Distribution of Funds: The District shall collect the reserves and operating capital provided in the ordinances, no distribution of funds except for maintenance and operation of Utility District.

Maintenance of Records: The District shall keep an account of all collections made from the members, Minutes of all business meetings, monthly statements of the Board of Directors and the District shall be maintained by the Secretary, and provided to the Kashia Business Committee upon completion.

Officers: The officers of the Board of Directors shall be:

1. President _____
2. Vice-President _____
3. Secretary _____
4. Treasurer _____
5. Facilities Manager _____

POLICIES

DUTIES OF THE BOARD OF DIRECTORS

Management:

- A. The Board of Directors shall manage the business and affairs of the District.
- B. At the beginning of the term of office, the Board of Directors shall formulate a plan of operation, which will protect the interests of the District to the best of their ability.
- C. The elected members of the Board of Directors shall annually appoint a responsible Utilities Manager to care for maintenance and operation problems. His compensation shall be determined by the District. The Utilities Manager shall become an appointee of the

Utility District.

Bonding: The Treasurer and Co-signing President of the Board of Directors shall be bonded by a bonding company.

Audits: The Board of Directors shall cooperate with Kashia Business Committee and auditing company in having an audit made of the books.

Deposits: The funds of the District shall be deposited in a checking account at the _____ Bank. The signature of both President and Treasurer of the Utility District will be required to draw on the account.

Records: Records shall be kept of all transactions. Account records shall be open to the inspection The Kashia Business Committee and/or any member. The District shall provide the Kashia Business Committee copies of monthly accounting records and bank statements for accountability purposes.

DUTIES OF OFFICERS

DUTIES OF THE PRESIDENT:

- A. The President shall preside over all meetings of the members of the Board of Directors, perform the acts and duties usually preformed by the presiding officer and sign such papers as he may be authorized or directed to sign by the Board of Directors.
- B. It shall be the duty of the President, assisted by the Board Members, to work out a schedule for keeping a daily check on the community water facilities and waste disposal system, and to proceed with steps to correct malfunctions as soon as possible.

MEMBERSHIP

Eligibility for Membership: Any resident of the STEWARTS POINT (KASHIA) RANCHERIA who is willing to participate in the activities of the District shall be eligible for membership and may be admitted upon signing an agreement to pay a proportionate

share of the maintenance and operating expense of facilities.

Acquiring New Members: The members of the Board of Directors shall contact the head of each household in the STEWARTS POINT (KASHIA) RANCHERIA, explain the purpose and advantage of the new facility and the method of operating and maintaining such facilities.

MEETING OF MEMBERSHIP

Annual meeting of members shall be held at _____
_____ on the _____
at an hour set by the Board of Directors for the purpose
of regular business of the regular business of the Utility
District and for making information available for improving

FACILITIES:

Special Meetings: Special meetings of the members may
be called at any time by the President of the Board of
Directors, at the direction of the Board.

Quorum: One-Third of the members who are not delinquent
in the District shall constitute a quorum.

BOARD OF DIRECTORS

Term of Office: The Board of Directors shall serve for
four (4) years and until their successors have been elected.

Quorum: A minimum of three (3) of the Board of Directors
shall constitute a quorum at any meeting of the Board of
Directors.

Removal: A member of the Board of Directors may be re-
moved for cause by a vote of not less than two-thirds
(2/3) of the district members not delinquent at any
special meeting called for the purpose at which a quorum

is present.

Meetings: The Board of Directors shall meet quarterly at the time and place to be set by the Board of Directors. Special meetings of the Board of Directors shall be called by the President or upon request of two members of the Board.

Compensation: Elected Directors shall serve without pay in such capacities.

Vacancies: Vacancies in the Board of Directors may be filled by appointment by the President in 30 days of vacancies with approval of a majority vote of the remaining Board of Directors. The appointee shall serve the unexpired term of office vacated.

WATER RULES AND REGULATIONS

The following rules and regulations are hereby established for the governing of the water department of the said STEWARTS POINT (KASHLA) Water District, and the control of all persons doing any plumbing in and upon any of the water facilities Pertaining to the system of the said District.

Any person, persons, firm or corporation applying for and receiving water from the water works system belonging to the said District, shall receive such water on the express condition that such water taken is subject to all rules, regulations, and penalties provided by said district for any infraction of said rules and regulations.

The rules and regulations and penalties prescribed by this chapter shall not be considered as a contract between the said District and any parties affected thereby in any manner so as to prohibit the Board of Directors of said District from altering or amending the same, or from establishing such additional and reasonable regulations as may from time to time appear to be necessary.

APPLICATION FOR PERMIT: Owners of property desirous of using water from the distributing pipes shall make application in writing either by themselves or their agent, to the District Secretary of the STEWARTS POINT (KASHIA) Utility District, said application to state:

- 1). Description of the premises.
- 2). Name of the owner.
- 3). Purpose for which the water is to be used.
- 4). Pipe to be used.

and said application must be made at least two days before the work is to be commenced. If the application is approved by the Board of Directors, with the recommendation of the Utility District Operations Maintenance Operator, a permit shall be issued. It shall then be the duty of the District, upon due notice, to tap the water distributing line. No unauthorized person or persons shall be permitted to tap or make any connections with the water system. No additional use of water services will be permitted by the District except that mentioned in the application for water services and persons desiring further or additional use of water services must make application as herein set forth.

PENALTIES: Any person who shall lay any water service pipe, or introduce into or about any building or on any grounds any water pipes or do any plumbing in any building or on any grounds for the purpose of connecting such pipes with the water pipes in the District Utility System or prepare them for such connections with a view to leaving such places supplied with from the District system, who shall make any addition to or alternations of any water pipe, water closet stopcock or fixture or apparatus for the supply of any premises with water without having been duly licensed to do such work by the Board of Directors, or without first having obtained a permit for doing such work from the District Secretary or Board of Directors, shall be disconnected from the system and shall not be reconnected until the regulations of the District have been met.

CONNECTION FEES: At the time of making the application as herein provided, the applicant shall pay to the District Treasurer a sum to cover the cost of making the connection to the water mains as follows: for each domestic water tap the sum of \$1,500.00.

DEPTH OF WATER SERVICE PIPE: Within the area served by the STEWARTS POINT (KASHIA) RANCHERIA, The Utility District water service pipes shall in no case be laid at less depth than two feet below the surface of the ground.

SERVICE CHARGE MUST BE PAID BEFORE WATER TURNED ON: The water will not be turned on in any house or private pipe until the applicant has paid the water charges due and shall exhibit his receipt therefore.

MUST REPAIR WATER PIPE CONNECTION: All water service pipes between the main and the house and all other on-premise pipes and lines shall be installed by and kept in repair at the expense of the owner or person in possession of the premises served. If such person fails to have properly repaired any leaky service pipe promptly upon receipt of the notice from the District, the water shall immediately be shut off from said premises and remain shut off until repairs have been made.

MUST NOT PERMIT OTHERS TO USE WATER: No owner or occupant of any premises to which said Utility District furnishes water services, will be allowed to supply water services to any other persons or families without the written permission of the Board of Directors. Any owner or occupant violating this section will be charged double the usual rates for each person or family so served. If not paid, the water supply shall be cut off from said premises. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises.

SERVICE CHARGES: All water services sold or furnished by the STEWARTS POINT (KASHIA) RANCHERIA Water District shall be paid for at the rates as hereinafter specified.

- 1). All water services sold or furnished by the said Utility District shall be paid for by the owner, or occupant of the premises served to the District Treasurer, at the following rates:
- 2). A \$2.50 per 1000 gallons usage rate and \$5.00 service charge per month for each connection to the water main will be charged.
- 3). All water services furnished by the said District to commercial consumers shall be paid for at the following rates:
 - A). \$50.00 per month for each connection to the water main.
- 4). Whenever service charges are furnished for less than a calendar month a daily charge of 1/30 of the monthly charge will be made, in lieu of the monthly charge.

SHUT OFF FOR NON-PAYMENT SERVICE CHARGES: All service charges shall be payable to the District Treasurer, and if not paid on or before the tenth day of the month, on which the bill is rendered, they shall become delinquent and the water shall be shut off without notice. When turned off for non-payment, the water shall not be turned on again until back payments together with a charge of \$25.00

has been paid. Failure to receive bill for service charges is no excuse for non-payment.

NOTICE FOR DISCONTINUING USE: Any person desirous of discontinuing the use of community water systems must give a written notice to the District Secretary at least one week prior to the date on which termination of services is desired. Service can be resumed subject to \$25.00 turn-on charge.

UNNECESSARY WASTE-OF-WATER: Hydrants, taps, hoses, water closets, urinals, bath and other fixtures will not be permitted to be kept running when not in use and it shall be the duty of all members of the said District to notify the consumer of any unnecessary waste of water on the premises. If within twenty-four hours after being notified that the water is being wasted, the necessary repairs are not made, the District shall forthwith shut off the water on the premises, and before it shall be turned on the consumer shall pay the fine.

DISTRICT MAY SHUT OFF WATER FOR REPAIR: The Board of Directors reserves the right at any time to shut off the water after notifying it's members in writing, on the water mains for the purpose of repairing the same, making connections or extensions to the same, or for the purpose of cleaning said main. It is expressly understood that no claim shall be made against the District by reason of the break of the water mains or service pipes or service curb cock, or from any damage arising from shutting off the water supply laying or relaying mains, of making connections. It is hereby the duty of the District to give such reason.

MAY ENTER PREMISES: The Board of Directors or The Operation Maintenance Manager of the STEWARTS POINT (KASHIA) RANCHERIA shall be permitted at all reasonable hours to enter the premises or buildings of consumers to examine the water pipes and fixtures, and the manner in which the water services are used, and in any case of fraudulent representation on the part of the Owner or occupant or wilful or unreasonable use of water and services, such owner or occupant shall forfeit any payment made, and the District may cause services to be discontinued and assess reasonable damages.

INTERFERENCE WITH DISTRICT WATER FACILITIES: It shall be unlawful for any person to damage, climb on or in, any manner, interfere with any building, reservoir, wells, water tower or any structure belonging to the STEWARTS POINT (KASHIA) RANCHERIA without being authorized to do so by the proper officers or authorities of said District and it shall be unlawful for any person to in any manner injure or deface any such structure.

OWNERSHIP OF PERMANENT FACILITIES:

1) The ownership of all water mains, easements, and the water services from the main to the meter box in public rights-of way shall be solely vested in the Tribe, except for those mains which are designated as private mains.

2) The ownership and responsibility for the maintenance of individual services from the meter to the premises served shall be that of the owner or occupants of the premise served and the Tribe shall not be liable for any part thereof.

SEWER SYSTEM RULES AND REGULATIONS

PERMIT REQUIRED FOR WORKING ON PUBLIC SEWER: No unauthorized person(s) shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the District.

COST OF SEWER CONNECTION: All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Kashia Business Council and Utility District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The fee for a new service connection shall be \$500.00.

PROHIBITED DISCHARGES: No person(s) shall discharge or cause to be discharged any of the following described waters or wastes into any public sanitary sewer:

- * Storm water, ground water, roof runoff or subsurface drainage;
- * Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- * Any waste waters containing toxic or poisonous solids, liquids or gas;
- * Solid or viscous substances in quantities or of such size, capable of causing obstruction to the flow in sewers or other interference with the proper operation of wastewater facilities;
- * Wastewater from industrial plants or commercial establishments or institutions containing floatable oils, fat or grease;
- * Any garbage from homes, hotels, restaurants, institutions, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

SOLID OR INSOLUBLE MATERIAL PROHIBITED: No person shall place or cause to be placed in the sanitary sewer system of the District, any solid object or material not soluble in water, excepting particulate matter suspended in water or other liquid and capable of passing through a one-inch square mesh.

LIABILITY FOR DAMAGE TO SEWER SYSTEM: The occupant of each building served by a sanitary sewer shall be liable for damage caused to the sanitary sewer system, including its pumps, lift stations and other appurtenances, by objects or materials which are placed in such system, that such owner or occupant shall be exonerated from such liability upon proof by a preponderance of the evidence that such object material was placed in such system by a person or persons not lawfully on such property. The burden of proving such fact shall be upon such owner or occupant.

CONTROL OF PROHIBITED WASTES: If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain prohibited discharges and which in the opinion of the District may have a deleterious effect upon the wastewater facilities processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District may:

- * Reject the wastes;
- * Require pretreatment to an acceptable condition for discharge into the public sewers;
- * Require control over the quantities and rates of discharge; and/or
- * Require payment to cover added costs of handling and treating the wastes.

INTERCEPTORS REQUIRED: Grease, oil, and sand interceptors shall be provided on building sewers when, in the opinion of the District, they are necessary for the proper handling of liquid waste containing floatable oil and/or grease, any flammable waste, garbage, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters. All such interceptors shall be of a type and capacity approved by the District and shall be located as to be readily accessible for cleaning and inspection. Unless otherwise stipulated, maintenance and cleaning shall be the responsibility of the owner and the owner shall maintain records of cleaning dates and the method of waste disposal. Said records are subject to inspection by the Utility District and/or The Kashia Business Committee.

REQUIREMENT TO PROVIDE INFORMATION: The District may require the user of sewer service to provide any information needed to determine compliance with these ordinances.

INSPECTION-RIGHT OF ENTRY: Duly authorized tribal employees/representatives designated by the Kashia Business Committee and/or the Board of Directors of the District, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the sanitary sewer system in accordance with the provisions of these ordinances.

SEWER SERVICE CHARGE: Each single-family residence, multi-family unit and commercial unit shall be charged a sewer service charge of \$20.00 per unit.

PENALTY FOR VIOLATIONS: Any person(s) found to be in violation of this chapter shall first be given written notice of the nature of the violation and thirty days (30) in which to effect a remedy. If said person(s) fail to correct the violation within the thirty-day grace period, they shall be guilty and shall be fined in an amount not to exceed \$300.00 for each violation. A copy of the notice will be sent immediately to the Tribal Council.

- * Each day in which any such violation shall continue shall be deemed a separate violation.
- * Any person (s) violating any of the provisions of this chapter shall become liable to the District for any expense, loss, or damage occasioned the District by reason of such violation.

OWNER'S SERVICE PIPING SPECIFICATIONS: The Utility Districts may require any customer to install a pressure reducing valve, back flow prevention device, pressure relief valve or similar device at any location where the Utility District determines a need to protect its interests.

HYDRANT-AUTHORIZED USE: It shall be unlawful for any person, other than authorized employees of the Tribe, to operate fire hydrants, valves and hose outlets, unless proper arrangements have been made for payment therefore and permission has been granted by the Utility District.

DISCONTINUE OF SERVICE: The District may discontinue service by reason of a failure to pay a bill for service or the failure to comply with the terms of this chapter.

- (a) Service to any premises upon which a private water supply system is used or operated contrary to the provisions of this chapter may be discontinued or refused.

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in these Policies and Procedures shall be as follows:

- (a) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called a house connection.
- (b) "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (c) "Garbage" shall mean the animal and vegetable waste resulting from food handling, preparation, cooking and serving of foods.
- (d) "May" is permissive.
- (e) "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- (f) "Public sewer" shall mean a common sewer controlled by the Utility District, other governmental agency or public utility.
- (g) "Sanitary sewer" shall mean a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
- (h) "Sewage" is the spent water of a community. The preferred term is wastewater.
- (i) "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
- (j) "Shall" is mandatory.
- (k) "Wastewater facilities" shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
- (k) "District" shall mean the Kashia Utility District.
- (l) "Business Committee" the duly elected government body of the Stewarts Point Rancheria, Kashia Band of Pomo Indians.
- (m) "Community Council" the tribal voting members of the Stewarts Point Rancheria, Kashia Band of Pomo Indians.
- (n) "Utility District" all residences or commercial establishments connected to the wastewater or water system users.
- (o) "Board of Directors" governing body of the Utility District.

(p) "Delinquent" any member who has failed to provide payment for wastewater or water usage by the 10th day of the month.

1. Notice of intent to discontinue water use shall be issued 10 days prior to intent to disconnect.
2. A service charge of \$25.00 to be paid to turn water service back on.

Note: Proof of death of an immediate family member or disaster, will be taken into account by the Utility Districts, Board of Directors.

(r) "Member" is the head of household with one (1) vote.

(s) "Cross connection" means any connection between any part of the water system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome and potable for human consumption.

CERTIFICATION

This is to certify that the foregoing Ordinance was duly enacted by the vote of the membership of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria by a vote 58 for, 0 against, 0 abstaining, at a duly held community meeting on the 9 day of April, 2000, and that this Ordinance has not been amended in any manner.

DATE: April 9, 2000

Lynn A. Silva
Lynn A. Silva, Tribal Chairwoman

ATTEST: Betsy Cobarrubiz
Betsy Cobarrubiz, Tribal Secretary

APPROVED:

DATE: _____

Bureau of Indian Affairs

