

UTILITY DEPARTMENT REGULATIONS

Regulation # R500-05:UD-01

Chapter 1 . User Rates

Section 1. Authority; Purpose

- 1-1. *Authority*, In accordance with section 5.04, 5.06, 5.07, 5.08 of the Utility Ordinance , #01-500-05, the Utility Department hereby promulgates these regulations setting user fee rates.
- 1-2. *Purpose*. This Chapter is intended to set forth a comprehensive rate structure for water and wastewater facilities connections by commercial and residential users.

Section 2. Definitions

- 2-1. *General*, For purposes of this regulation, certain terms are defined in this section. The word “shall” is always mandatory and merely advisory. Unless defined elsewhere, terms defined in Chapter 1 and the Utilities Ordinance are defined for the purposes of all Utility Department Regulations.
- 2-2. *Fixed Cost*, means those expenses incurred regardless of the volume of water or wastewater managed during a fiscal year.
- 2-3. *Variable costs* means those expenses which are incurred based on the volume of water or wastewater managed during a fiscal year.
- 2-4. *EDU* means equivalent dwelling unit and refers to the calculation based on the size of the service line in inches, squared, and divided by .5625.
- 2-5. *Base Rate* means the fixed costs divided by the number of EDU’s connected to the system.
- 2-6. *Metered rate* means the total variable costs divided by the total gallons produced, multiplied by 1,000 to identify the cost per 1,000 gallons.

Section 3. Rates

- 3-1. *Base Rate*. Each customer shall be charged a base rate equal to the volume of service line(s) connected to the facility(ies) of the customer as calculated in EDU’s.
- 3-2. *Metered Rate*. Each customer shall be charged a metered rate equal to the metered volume of use at the facility (ies).
- 3-3. *Waiver of rates or Partial Waiver of Rates*. The Tribal Council shall identify by resolution those customers, if any, which it authorizes the complete or partial waiver of rates, base or metered, during a fiscal year. Such exceptions shall be identified each year, or as may be necessary, and appropriate budget allocations made regarding the waived rates.
 - a. The Utility Department shall identify the costs related to adoption of the resolution by report or memorandum prior to adoption of the resolution.
 - b. The department or commission requesting full or partial waivers of rates shall identify by report or memorandum the reasons for such requests and the individuals or qualifications by which such full or partial waivers shall be available.
- 3-4. The rate for water and sewer permits are hereby set at \$50 per permit, cost may be waived for Members Assistance low income guideline eligible persons.
- 3-5. Fees shall be placed into the Utility Department’s reserve account.

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3-6. Deposits are set at \$50.

3-7. Rates for Residential Consumers will be reevaluated after the addition of each five new dwellings

Section 4. Adoption; Amendment; Repeal

4-1. *Adoption.* This Chapter is adopted by approval of the Tribal Ogema on 1/31/07 and presented to the Tribal Council Recorder on 1/31/07.

4-2. *Amendment.* This regulation may be amended by the Utility Department with approval of the Tribal Ogema in accordance with the Constitution and any rules set forth governing amendment of regulation of the Little River Band of Ottawa Indians.

4-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provisions or application, and to this end the provisions of this regulation are severable.

4-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the 'spirit' of this regulation rather than complete compliance is acceptable.

End.