

OMAHA TRIBAL CODE (2013)

Omaha Tribe Utilities Commission

Rules and Regulations

These rules are issued by the Omaha Tribes Utilities Commission with approval of the Omaha Tribes Council members. The Omaha Tribes Utilities Commission reserves the right to change and amend rules and regulations from time to time. However, they can be changed only by the Omaha Tribes Utilities Commission. There shall be rate adjustments and increases once a rate study/survey is completed this process will occur when needed. The Omaha Tribe of Nebraska is the sole owner of the Omaha Tribe Water Treatment Plant they are no longer in-debt to the United States Government. The Omaha Tribes Utilities Commission has the authority to govern over the Omaha Tribes Utilities. They shall make all decisions in a fair, adequate manner. If any portion of these rules and regulations are declared invalid by a competent source it shall not affect the validity of the remaining portion.

Definitions: The following expressions when used herein will have the meaning stated below:

Applicant: Any Individual, firm partnership, corporation or any other agency owning land located within the service area that will be applying for water service, solid waste service or waste water (sewer) service will be known as

Benefit Unit: A right entitling the holder to one water service

Commission: The board of Commissioners of the Omaha Tribes Utilities Commission of the Omaha Tribe of Nebraska Indian Reservation

Consumer: Any Individual, firm, partnership, corporation or other agency receiving water from the Omaha Tribes Water treatment Plant

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Point of Delivery: The point of delivery shall be at the curb stop and or Meter, unless otherwise specified in the application for water service and water user's agreement

Service: The term service when used in connection with the supplying of water shall mean the availability for use by the consumers of water adequate to meet the consumers' requirements. Service shall be considered as available when the service area maintains the water supply at normal pressure at the point of delivery, in readiness for the consumers use. Regardless of whether or not the consumer makes use of it

Application for water service and water users' agreement:

The Agreement or Contract between the consumer and the commission pursuant to which water service is supplied and accepted

Primacy Agency: The Environmental Protection Agency is the regulating and compliance authority body. The Omaha Tribe is within the Region 7 area. Under the Safe Drinking Water Act the Omaha Tribes Utilities Commission must comply with their guidelines

Water Services: water service shall consist of facilities for supplying water to one residence, tenant, or business established located on land within the service area. A landowner must purchase a benefit unit and accept water service for each residence or business establishment served.

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General Rules

1. The supplying and taking of water will be in conformance with these rules and regulations and the applicable rate schedule attached hereto and filed with EPA/Region 7 offices and the Omaha Tribes Council: Provided, however that such rate schedule is subjected to change by action of the Commission. The board of commissions can make the determination at any time to change and increase rates. If they determine the amount of collections is insufficient for the payment of the operations cost, emergency repairs, debt service and to accumulate reasonable reserves.
2. Applications for service shall be obtained from the Omaha Tribes Utilities Department' main office. The process consists of filing an application which is an agreement for services. The benefit unit will be responsible to pay the monthly rate for services. Whether it is metered or flat rate. If there is more than one benefit unit on property the Applicant will have to pay for separate benefit units.
3. Before installing a service extension and providing water available for use. The board may require the applicant to pipe his home and be in readiness to accept service. There shall be a new service connection fee. The Commission will set the rate and it is subject to change from time to time.
4. Before any applicant shall be entitled to water service, he shall sign an easement for the water lines operated by the Utilities Commission over and across any real estate owned by him within the service area and his spouse shall likewise sign. Said easement to be on terms and conditions established by the Utilities Commission

Service is for the sole use of the consumer

A standard water service connection is for the sole use of the applicant or the consumer and does not permit the extension of pipes to transfer water from one property to another. Nor to share, resell, or sub-meter water to any other consumer. If an emergency or specific situation should make such an arrangement advisable it shall be done only on specific written permission of the Utilities Commission for the duration of the emergency

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Agreement with Governmental and Public Bodies

The Utilities Commission may enter into an agreement of service that differs from metered or flat rates. They may create contracts with the Federal Government, the State of Nebraska or agencies thereof, School districts and Municipal Corporations differing from stipulations set out in the rate schedule and rules.

Right of Access

Representatives of the Omaha Tribes Utilities shall have the right at all reasonable hours to enter upon consumer's premises to test control on meters and valves, perform sampling of water tests, and inspect pipes, to perform other duties for the proper maintenance and operation of service or to remove its service equipment and shut off water upon discontinuance by consumers.

Continuity of Service

The Utilities Commission will make all reasonable efforts to supply continuous, uninterrupted service. However, it shall have the right to interrupt service for the purpose of making repairs, connections, extension or for other necessary work. Efforts will be made to notify consumers who may be affected by such interruptions. But the Utilities Commission will not be responsible for losses which might occur due to such necessary interruptions.

The Utilities Commission does not accept responsibility for losses which might occur due to interruption of service caused by storms, strikes, floods or other disasters beyond our control.

Control Equipment

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Meters and Pressure Reduce Valves (PRV) will be furnished, installed, owned, inspected, tested and kept in proper operating condition by the Utilities Commission without cost to the consumer. All tests will be on a schedule deemed necessary and set by the Utilities Commission.

Meters and Pressure Reduce Valves

Meters and PRV controls will be checked periodically at the direction of the Utilities Commission. The PRV controls will be checked by means of a pressure gauge that will assure reasonable pressure is accurate. Once moved from flat rate to meters, service meters will be read and calculated allowing a 2% allowance for error fast or slow, will be allowed for accurate billing purposes. Unless a consumers rate of usage is known to be practically constant, in which case the error at such constant will be used.

Meters or Pressure Reduce Valves

Meters or PRV will be set in meter pits at or near the user's property line. Meters shall be set in an accessible place outside the building except where otherwise directed by the commission. All meters shall be set horizontally and never connected into a vertical pipe. Meters set outside of a building shall be placed in a meter box or pit furnished and installed by the Utilities Commission.

Billing and Payments

All consumers will be furnished a monthly statement that will provide their current and past due amounts.

All consumers will have an application on file that will be updated periodically and all changes on address shall be left up to the consumer to inform the Utilities Commission on any changes.

All consumers will submit a payment in full unless a reasonable agreement is made between the Utilities Commission and Consumer.

All consumers living in dwellings owned by the HUD/Housing Authority shall follow and abide by their agreements as well as their agreements with the Housing Authority.

All consumers living in privately owned homes. Shall sign any easements deemed necessary and allow entrance for any actions deemed necessary by the Utilities Commission within reasonable notice.

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All consumers are paying a schedule flat rate until further notice. Once moved to metered rates all consumers will be notified of the change and rate per gallon schedule with a reasonable amount of time deemed acceptable by the Utilities Commission.

All consumers that are not metered who reside in private dwellings/HUD homes will be billed monthly via the U.S Mail and the bill shall be due no later than the 15th of the month. Once payment is not received the consumer is then considered delinquent and service will be disconnected on the 30th of the month unless a payment agreement is made with the Utilities Commission.

Flat Rate Schedule

Residential Rates:

In-town/ \$52.00 a month

Rural/\$43.00 a month

Water: \$28.00

Sewer: \$9.00

Garbage: \$15.00

*There are higher charges for larger dumpsters the amount is deemed necessary due to the amount of solid waste collected.

*In-town rate is higher due to the sewer rates added.

Livestock Watering Hook-ups

Any consumer who applies for a hook-up on non-native land for the purpose of watering any livestock must apply for services and fill out an application. The consumer must pay a rate of a \$50.00 service charge and \$3.00 per 1,000 gallon and will be metered. The meter will be read by the Utilities Commission and/or authorized personnel monthly and the consumer will receive a

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monthly invoice. There may be a reasonable agreement entered into by the consumer and commission if deemed necessary. If payment is not made by consumer within 30 days of invoice date, the consumer will have forfeited the agreement and services will be discontinued until the consumer pays in full and satisfies the mentioned agreement.

Any consumer who applies for Livestock watering on native-owned trust land shall follow the same rules as mentioned above. Unless deemed necessary to enter into an agreement that will bind consumer and commission into a contract.

Reconnection fees

The reconnection fee for restoring service shall be \$25.00 due at the time of reconnection. In addition to payments that are delinquent. This is necessary to cover the cost and labor. There could be other charges depending on the situation and prior agreements entered into with the consumer and commission

Consumer's Responsibility

The consumer shall be responsible for any damage to service equipment installed by the Utilities Commission for their service on account of any cause other than normal wear and tear. Freezing is not considered normal wear and tear.

Liquidated Damages

In the event that the applicant for water service shall fail or refuse to: (A) connect their service line to Utilities Commission distribution system within sixty (60) days of the date of mailing to consumer at the address stated in the application for water service and water user's agreement , written notice to do so by the commission and (B) pay for water service as provided for , for a period of forty-eight (48) months after such connection: he shall pay to the Commission as liquidated damages and not as a penalty, the sum of four hundred and no/dollars(\$400.00), which is in addition to the benefit unit charged, which is not refundable, provided , however, that any service shall be credited as part payment of said sum. (Payment of such liquidated damages shall terminate the responsibility of the applicant to pay additional water service charges. Upon such payment and upon forfeiture of the benefit unit to the commission. Water service will be discontinued and all rights cancelled)

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Change of Occupancy

It shall be the consumer's responsibility to anticipate changes of occupancy, and to have his benefit unit and additional water supply unit(s) transferred to the new customer as prescribed in the by-laws or notify the Commission and Utilities personnel of changes and when they will occur. Until the benefit unit is formally transferred the original holder shall be responsible for payment for services. All charges levied against a benefit unit must be paid before the benefit unit can be transferred or service resumed where there has been a suspension.

Main Extensions

1. in extending a water main to serve an applicant, the Commission may at its discretion exercise one of the following options:
 - (a) If the cost of the extension is less than the average cost of the entire system to each consumer, and sufficient construction funds are available, the Commission may elect to make the extension upon the applicant's purchase of a benefit unit.
 - (b) If the cost of the extension is greater than the average cost of the entire system to each consumer, but funds are available to the extent to such average cost, the commission may elect to contribute to the extension in the amount of such average cost and require the applicant to deposit in cash the additional cost in addition to the price of a benefit unit, if and as additional consumers are connected to the extension and as funds become available, all or part of the original consumers deposit may be returned to him. Any portion of the original deposit remaining after the expiration of a five-year period will become the property of the tribe. In no case will interest be paid on such deposits.
 - (c) In the event that the commission does not have funds available to pay for construction in the amount of the average cost per consumer of the entire system it may require a deposit as a condition of extending service that the applicant pay this in addition to the benefit unit an amount which may equal the entire cost of the extension. No interest will be paid on the deposit.

Services

The Commission will install and pay for all water service lines and pipes. (except for private fire protection). The size and of service line shall be established by the engineer selected to complete the project. The commission shall install and pay for the meter. The commission and consumer can decide on the location if deemed necessary.

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Insufficient Water Supply

In the event the total water supply is insufficient for the demands of the consumers or there is a shortage of water. The commission may limit the amount or hours used. And limit it to drinking and prohibit other uses. This will apply to livestock and irrigation as well.

Commercial Irrigation

The applicant must first complete an application and provide the Utilities Commission with proper information and location description. If there is an existing meter the commission may choose to use this. Or the Commission may require a new meter. There will be a connection deposit of \$1,000.00 and service fee of \$50.00 per month aside from the \$3.00 per 1,000 gallons. The consumer will be responsible to pay their invoice monthly and if there is any changes it is up to the consumer to inform the Utilities Commission or personnel of expected changes if consumer does not inform the Commission/Personnel they will be charged the service fee.

Applicants having excessive requirements

In the event an applicant whose water requirements are found to exceed the Commission's ability to supply it from existing plant without adversely affecting service to other consumers to an unreasonable extent, the commission will not be obligated to render such services unless and until suitable self-liquidating financing is arranged to cover necessary investment in additional plant.

Connection with Private Water System

1. Cross connections shall not be permitted nor shall there be any physical connection between any private water system and the water system of the district
2. There shall be no physical connection between any holding tank or reservoir intended for potable liquid unless such connection is protected by a backflow prevention device approved by the Environmental Protection Agency.
3. Representatives of the Commission shall have the right at all reasonable hours to enter upon the consumers premises for the purpose of inspection and enforcement of these provisions. Violations of these provisions shall constitute reason for disconnection of the consumer's service.

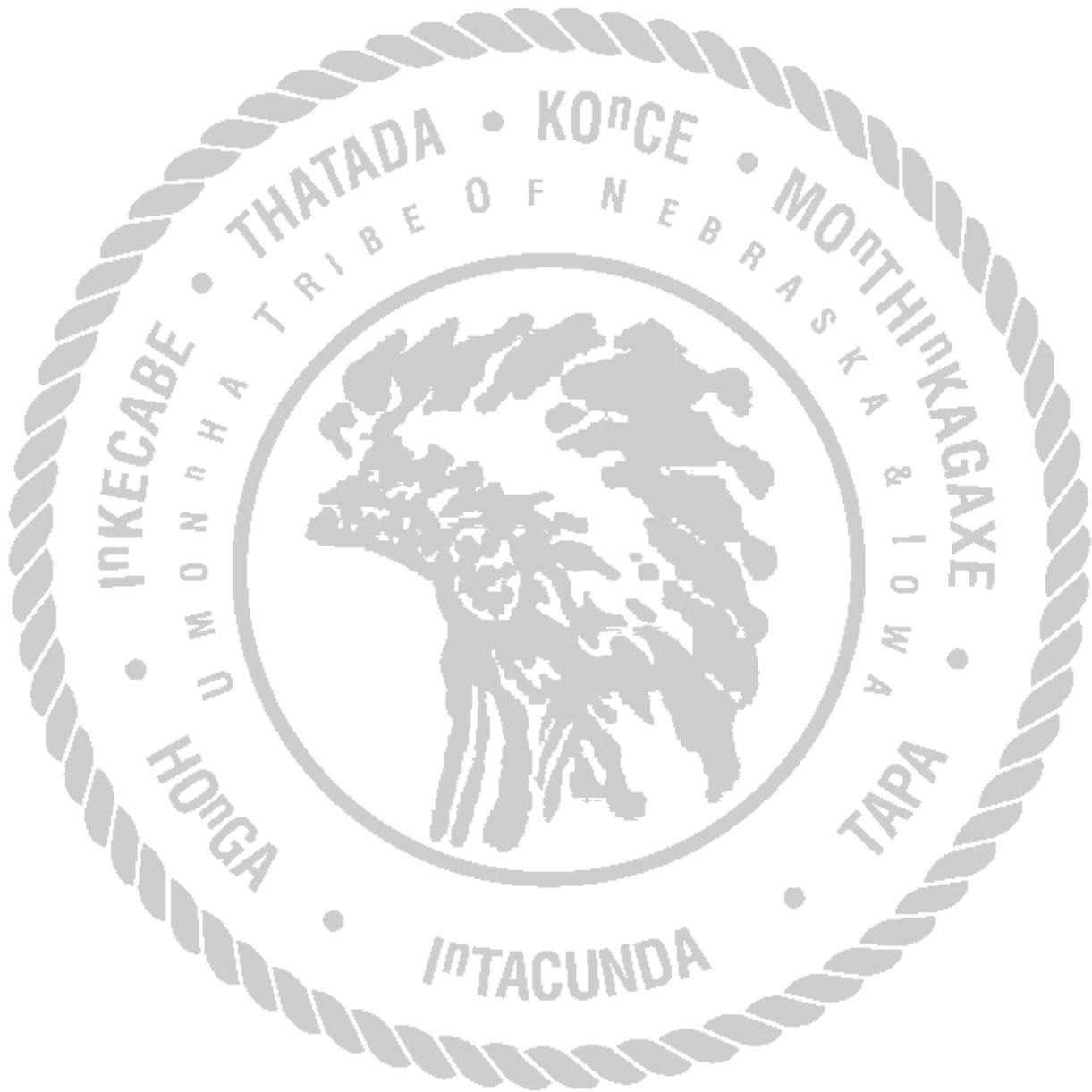
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