

FALLON PAIUTE-SHOSHONE TRIBE



LAW AND ORDER CODE

Title 18

Sewer and Water Ordinance

Fallon Paiute-Shoshone Tribe

Law & Order Code

TITLE 18

SEWER AND WATER ORDINANCE

Approved by FBC on May 15, 2020

Resolution No. 20-F-066, Effective May 15, 2020

Amended by FBC Resolution No. 20-F-079, Effective on May 26, 2020

(Added Section 18-20-044)

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TITLE 18 – SEWER AND WATER ORDINANCE

18-10 General Provisions

18-10-010 Title

This Ordinance is known and may be cited as the “Fallon Paiute-Shoshone Tribe Public Works Sewer and Water Ordinance” or the “Sewer and Water Ordinance.” The Sewer and Water Ordinance shall become effective thirty (30) days after adoption by resolution from the Fallon Business Council.

18-10-020 Purpose

The purposes of this Ordinance are to:

- (a) Establish the Fallon Paiute-Shoshone Tribe Public Works Department (PWD) to ensure proper Operation & Maintenance management of public utility services within the Fallon Paiute-Shoshone Indian Reservation and Colony; and
- (b) Provide utility services in a manner that promotes the general health, safety, welfare, and peace of the Fallon Paiute-Shoshone Tribe.

18-10-030 Policy

It shall be the policy of the Fallon Paiute-Shoshone Tribe that the Tribe’s Public Works Department operate, maintain, and manage the public utilities on the Fallon Paiute-Shoshone Reservation so community residents are provided with a high level of utility services. It shall also be the policy of the Fallon Paiute-Shoshone Tribe that the operation, maintenance, and management of public utilities on the Fallon Paiute-Shoshone Reservation be carried out through an efficient program and in a financially responsible, cost-effective, and self-sufficient manner.

18-10-040 Tribe’s Jurisdiction and Authority

The Tribe possesses inherent authority to regulate the use of resources on the Reservation. This Ordinance is adopted pursuant to the authorities reserved to the Fallon Business Council in the Constitution of the Fallon Paiute-Shoshone Tribe, as amended, including but not limited to Article VI, Sections 1(a), (c), (d), (e), (h) and (i). This Ordinance applies to all persons utilizing the Tribe’s public utilities, including Tribal members and non-members, to the fullest extent permitted by law.

18-10-050 Sovereign Immunity

The Public Works Department, as a governmental entity of the Fallon Paiute-Shoshone Tribe, is immune from suit. Nothing contained herein is intended to waive the Tribe's or the Public Works Department's sovereign immunity from suit.

18-10-060 Definition of Terms

The following definitions shall apply to this Ordinance.

- (a) "Appurtenances" are the real and personal property owned by the Tribe located on, near, or under the roadways and streets, such as fire hydrants, valves, manhole covers, drains, lift stations, meters, meter pits, etc.
- (b) "Collection Lines" are those sanitary sewer lines maintained by the PWD by which sanitary sewage collection and disposal services are provided.
- (c) "Contractor" shall mean any individual, firm, or organization that the PWD enters into a contract with to provide environmental services or utility repairs, design, inspection, construction and reconstruction, or operation services.
- (d) "Customer" means a person, business, agency, or other organization that uses, is entitled to use, or is obliged to pay for the use of or the provision of, the public utilities and/or services from the PWD.
- (e) "Customer Lines" are the potable water lines or sanitary sewer lines located immediately adjacent to, inside of, or under a Customer's residence or other building or property, which are either connected by a shutoff valve or meter pit to utility service lines, or are maintained by the Customer separately from the utility service lines.
- (f) "Distribution System Lines" are those potable water lines or sanitary sewer lines maintained by the Public Works Department by which utility services are provided to the customers.
- (g) "FBC" or "Fallon Business Council" shall mean the elected governing body of the Fallon Paiute-Shoshone Tribe.
- (h) "Meter" is a device maintained by the PWD for measuring the amount of water provided to a particular customer.
- (i) "On-Site Sewage Treatment and Disposal System" shall mean individual or community septic tanks and subsurface drain fields and associated appurtenances that collect, treat, and dispose of liquid waste generated by customers.
- (j) "Operator" or "technician" shall mean an individual hired by the PWD to provide daily preventive maintenance and operational service for the public water and sanitary sewer utilities.
- (k) "Public Utilities" shall mean all utilities maintained, operated, or managed by the PWD within the Fallon Paiute-Shoshone Reservation on behalf of the Fallon Paiute-Shoshone Tribe.
- (l) "Public Works Department" or "PWD" means the Fallon Paiute-Shoshone Public Works Department, a governmental program of the Tribe authorized to operate and maintain public utility services on the Fallon Paiute-Shoshone Reservation.
- (m) "Public Works Director" shall mean the individual hired by the Tribe to oversee and manage the operation of the Public Works Department including the Water & Sewer Program.

- (n) "Regulation" is a law, rule or procedure duly adopted and approved by the Fallon Business Council for purposes of implementing the requirements of this Ordinance.
- (o) "Reservation" or "Fallon Paiute-Shoshone Reservation" means all air, land, and water located within the boundaries of the Reservation and Colony of the Fallon Paiute-Shoshone Tribe and on any acquired properties outside the exterior boundaries.
- (p) "Sewage" means all water and solids carrying waste.
- (q) "Sewage Disposal System Cleaner" shall mean any individual, firm, contractor, or organization that the Public Works Department hires to pump out on-site sewage treatment and disposal systems, dispose of the waste material and repair the on-site sewage treatment and disposal systems located on the Fallon Paiute-Shoshone Reservation.
- (r) "Tribal Lands" shall mean all lands owned by the Fallon Paiute-Shoshone Tribe regardless of whether such lands are owned in trust or fee, and all lands within the exterior boundaries of the Fallon Paiute-Shoshone Reservation, and any properties newly acquired by the Tribe outside the exterior boundaries.
- (s) "Tribe" shall mean the Fallon Paiute-Shoshone Tribe of Nevada.
- (t) "Vendor" is any individual, firm, contractor, or organization that supplies parts, equipment, supplies, and/or services for consideration to the PWD.

18-10-070 Severability

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part(s).

18-20 Establishment of Fallon Paiute-Shoshone Public Works Department

18-20-010 Establishment of the Fallon Paiute-Shoshone Public Works Department

There is hereby established the Fallon Paiute-Shoshone Public Works Department.

18-20-020 Jurisdiction of the Fallon Paiute-Shoshone Public Works Department

The PWD shall generally operate within the boundaries of the Reservation and Colony, and shall be responsible for maintaining all Distribution System Lines for the Tribe's Public Utilities.

18-20-030 Authority of the Fallon Paiute-Shoshone Public Works Department

The PWD shall maintain and manage the public utilities of the Tribe within the Reservation. To fulfill these responsibilities, the Public Works Director (with the approval of the Fallon Business Council) shall have the power to:

- (a) Levy and collect reasonable fees for utility services, including but not limited to monthly service charges, connection fees, late fees, late penalties, construction permits, and other assessments deemed necessary by the Fallon Business Council.
- (b) Provide for the hiring and compensation of appropriate management and maintenance personnel.

- (c) Adopt appropriate regulations and policies to implement the requirements of this Ordinance, subject to any Fallon Business Council approval required under this Ordinance.
- (d) Authorize disbursement of funds for the operation, maintenance, and repair of utility services.
- (e) Contract with vendors and contractors to assure safe and reliable utility services are available to residents of the Reservation.

18-20-040 Public Works Director

The Public Works Director shall manage the daily business and operating affairs of the Fallon Paiute-Shoshone PWD. The Public Works Director may provide for hiring and contracting personnel for the care and maintenance of the public utilities, provided such actions shall be taken in accordance with Tribal personnel and financial policies.

18-20-044 Public Works Committee

- (a) The Public Works Committee is hereby established to assist the Public Works Department in administering this Ordinance. The Public Works Committee members shall be appointed by the Fallon Business Council and shall consist of five (5) members. The Public Works Committee members shall be enrolled members of the Tribe, but may not be employees of the Public Works Department. The Public Works Committee is created to act in an advisory capacity to assist the Public Works Department with its operations. The Public Works Committee shall have no management or supervisory authority over the Public Works Director or the Public Works Department.
- (b) Committee members shall be appointed by the Fallon Business Council for two year staggered terms. Appointments shall be made in March of each year with two members appointed in even years and three members appointed in odd years. For the initial Committee, the Council shall state the length of each member's term.
- (c) Each year following the appointment of new members, the Public Works Committee shall select from its members one person to serve as Chairperson, one person to serve as Vice-Chairperson, and one person to serve as Secretary. The Secretary shall keep a complete and accurate record of all meetings and any actions taken by the Committee. To conduct Public Works Committee meetings, the Committee Chairman or Vice-Chairman and two other members shall constitute a quorum. The Public Works Committee shall meet monthly, and as often as possible to take care of its business.
- (d) The duties of the Public Works Committee are:
 - (1) To advise the Public Works Department and Public Works Director, and to make recommendations on various public utility matters relating to the Tribe's vision and mission.
 - (2) To acknowledge Tribal members' utility needs and communicate concerns to the Public Works Director.

- (3) To ensure that the Public Works Department is in compliance with the Sewer and Water Ordinance, its regulations and any other applicable laws and policies.
 - (4) To maintain a fair and equitable service level to all users of the Tribe's public utilities.
 - (5) To review and recommend approval of new regulations and policies developed by the Public Works Department to implement the Sewer and Water Ordinance, which shall be subject to approval of the Business Council.
 - (6) To approve Public Works Committee minutes from the previous meeting and forward a copy to Business Council Secretary within ten (10) business days after such approval.
 - (7) To approve any grants if any applicable regulations require it.
 - (8) To review and provide comments on any programmatic reports developed by the Public Works Department.
 - (9) To maintain confidentiality of all Public Works Department client matters.
- (This section added by FBC Resolution No. 20-F-079, effective on May 26, 2020.)

18-20-050 Regulations and Policies

The PWD shall adopt regulations or policies as needed to implement the provisions contained in this Ordinance. Regulations, fee schedules, and policies must be approved by the Fallon Business Council before becoming effective, unless the Fallon Business Council delegates authority to another Tribal body or the Public Works Director to implement certain regulations or policies without further Fallon Business Council approval. Such regulations or policies shall include, but are not limited to, the following subjects:

- (a) Fee schedules;
- (b) Billing policies;
- (c) Delinquent payment procedures;
- (d) Maintenance service schedules;
- (e) Emergency notification procedures;
- (f) Emergency response procedures; and
- (g) Inspection procedures.

18-20-060 Amendments

The Public Works Director shall recommend to the Fallon Business Council amendments to this Ordinance necessary to promote efficient, cost-effective, and self-sufficient operation of the Public Works Department.

18-30 Operation

18-30-010 Services

The services provided by the PWD shall include domestic water, sewer, and related appurtenances. The Fallon Business Council may provide additional services upon recommendations of the Public Works Director.

18-30-020 Connection Only by FBC Permission

No person shall connect to the Distribution System Lines or Collection Lines without FBC approval provided by a duly enacted resolution.

18-30-030 Water Service

The PWD is responsible for providing safe, adequate water for a fee to those customers whose residences are connected to the PWD's Distribution System Lines. A potable water Customer Line shall not be connected to a mainline unless it goes to a residence. The PWD's responsibility for maintenance shall only extend to water sources, treatment facility(s), storage tanks, controls, mainlines, valves, hydrants, meter pit, metal T post at meter pit, and service lines up to curb stop or water meter/valve to the house, and shall not extend to Customer Lines. The PWD's responsibilities will also include maintaining the service lines to Tribal facilities such as Tribal buildings, cemeteries, parks, and other community facilities. Interior house plumbing and Customer Lines are the responsibility of the Customer. If individual water meters are installed, they are the property of the Tribe and shall be maintained by the PWD.

18-30-040 Sewage Service

The PWD shall provide sanitary disposal of domestic liquid waste for a fee to those houses connected to the PWD's Collection Lines. The PWD's responsibility for maintenance will include treatment facilities, sewage lagoon(s), pumping stations, mainlines, manholes, and service lines up to a Customer's property line. The PWD's responsibility does not extend to Customer sewage collection lines, individual onsite septic tanks, or drainfields.

18-30-050 Maintenance Schedule

The Public Works Director shall adopt procedures establishing a maintenance service schedule for each water and sewage system. Records shall be kept of all routine maintenance and needed repairs performed.

18-30-060 Emergency Notification

Procedures for emergency notification shall be established by the PWD. Emergency notification regulations shall notify residents and visitors of:

- (a) At least 24 hour advance notice of any known discontinuation in service;
- (b) Known substandard conditions in water quality, particularly primary standards regulated under the Safe Drinking Water Act; and
- (c) Any other conditions which may adversely affect the health of the community residents or visitors.

18-30-070 Limits of Responsibility

The PWD shall not be responsible for, nor maintain nor repair, any private or domestic water or sewer system, except by specific agreement establishing fair rates of compensation to the PWD. The PWD shall not be liable for any loss or damage beyond its control resulting from any defect in, or damage to, a customer's water or sewer lines.

18-30-080 Inspection

The PWD and its agents are authorized to make inspections, at reasonable times of any grounds, buildings, or residence served by the PWD to the extent necessary to ensure that customer utility fixtures, lines, and equipment are not being operated in a manner that would likely disrupt or interfere with utility services or in the manner in which the water service is used. In the event of fraudulent representation on the part of the Customer, or willful or unreasonable use of water, the Fallon Business Council may cause service to be discontinued and assess reasonable damages. The PWD shall provide customers with at least 24 hour notice prior to entering and inspecting the premises, except in cases of emergency where life and property are threatened, or in cases of immediate water shortages.

18-30-090 Disruption of Service

The PWD may terminate water or sewage service, or disrupt traffic on the public right-of-way to perform repairs, provided advance notice has been given to affected customers. Advance notice is not required in cases of emergencies, where loss of life or property is threatened, or in cases of immediate water shortage. The Tribe, the PWD and their employees shall not be responsible for damages as a result of lack of water or sewage during authorized disruptions of service. The PWD is not responsible for damages done to a property in the event of a necessary repair such as but not limited to damage to lawn, trees, fencing, driveways, etc.

18-30-100 Unnecessary Waste of Water

- (a) The Tribe reserves the right to terminate a customer's service when the customer has repeatedly and unduly wasted water. Such undue waste can be evidenced by the fact hydrants, taps, hoses, or other fixtures are permitted to run continuously without specific prior approval of the Public Works Director. This includes using the municipal water system for commercial livestock operations and to irrigate commercial gardens. The water treated by the Fallon Paiute-Shoshone Tribe Arsenic Treatment Plant shall not be used for commercial purposes, such as irrigation, livestock watering, or any for profit business. However the Fallon Business Council may authorize any such uses after reviewing a request and determining the use is reasonable and will not detrimentally affect the Tribe's public utilities.
- (b) Where the waste of water has been observed, the Public Works Director, Public Works Employee, or other Tribal Representative shall personally serve the customer with a written notice from the Public Works Director to correct the water waste. If the customer does not terminate their water waste within the time specified in the notice, the Public Works Director may decide to terminate water service to the customer. Service shall be resumed only after correction of the condition causing water waste, and payment by the customer of the approved reconnection fee, penalties, and any other accounts in arrears to the PWD.

18-30-110 Conservation of Resources

The PWD shall conduct operation, maintenance, and repair services in a manner that will maximize the conservation of natural, financial, and property resources.

18-30-120 Others Using Water

No Customer shall be allowed to supply water to any other persons or residences without the written permission of the Fallon Business Council provided by a duly enacted resolution. Any Customer violating this section will be charged double the usual rates for each additional Customer served, and if not paid, said water service shall be shut off to said Customer. No Customer shall be permitted to conduct water lines across lots or buildings to adjoining premises.

18-30-130 Interference with Public Utility

It shall be unlawful for any person to interfere with the proper operation of or damages any of the components of the public water system, including the Distribution System Lines and Public Utilities. It shall also be unlawful to climb on or in any manner interfere with any building, reservoir, well(s), water tower(s), or any structure belonging to the Fallon Paiute-Shoshone Tribe without being authorized to do so by the proper authority of the Fallon Business Council or Public Works Department. Finally it shall be unlawful for any person to in any manner injure or deface any such structures. Criminal charges will be filed against any persons violating this Section pursuant to Titles 4 and 5 (see for example Sections 5-60-150 and 5-70-060). Additionally, a civil action may be taken against any person interfering with, damaging, trespassing, injuring, or defacing any such facilities for any damages caused.

18-40 Fee Schedules and Billing

18-40-010 Fee Schedule Establishment

The schedule of fees and required deposits for utility services shall be approved and set by the Fallon Business Council. The fee schedule shall be based on estimated average annual costs for operation of the particular utility service (e.g., water, sewer, etc.). The monthly fee schedule shall include a basic rate for services provided by the Tribe and/or PWD, payment of which shall be required of each customer regardless of whether, or the extent to which, the customer uses any of the services during the month. 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, connection fees, disconnection fees, reconnection fees, inspection fees, penalties, late payment charges, and other assessments determined and approved by the Fallon Business Council. The fee schedule may be amended if meters are installed to determine actual usage. The fee schedule may provide different rates for residences and different categories of businesses, and the fee schedule may charge higher rates for above average water use.

18-40-020 Service Charge

Water will not be turned on to any Customer Lines until the applicant has paid the water fees due in full.

18-40-030 Notice of Discontinuing Use

Any Customer desiring to discontinue the use of the Public Works Department water, must give written notice to the Fallon Paiute-Shoshone Tribal Finance Department at least three (3) days prior to the date on which termination of services is required.

18-40-040 Sewer Service

Sewer service fees shall be paid by Customers that are connected to the Lagoon Waste Water System only. Water service may be shut off if the sewer service fee becomes delinquent.

18-40-050 Public Hearing

A public hearing shall be held whenever a new or revised fee schedule is proposed for adoption. At least five days in advance of the hearing, the notice of the public hearing with the proposed fee schedule shall be sent to current customers and posted in a public location. Following the public hearing, the Fallon Business Council shall set a fee schedule to be presented at a regular Business Council meeting for approval, taking into consideration comments received at the public hearing.

18-40-060 Notice to Customers

A copy of the new or revised fee schedule adopted by the Fallon Business Council shall be sent to each customer at least 30 days prior to the date the established schedule takes effect.

18-40-070 Billing Responsibility

The Fallon Paiute-Shoshone Finance Department shall be responsible for billing customers for utility services.

18-40-080 Delinquent Payments

- (a) An account is determined to be delinquent when payment is not received by the 10th day of the month for the previous month's service. A Delinquent Notice will be mailed by regular mail by an employee of the Finance Department or hand delivered by an employee of the Public Works Department or by a Tribal Police Officer to the customer's place of residence. A copy of the Delinquent Notice will be kept by the Finance Department.
- (b) If the delinquent amount is not paid in full after thirty (30) days of the service of the Delinquent Notice, the following procedures for turn-off of the water will be taken:
 - (1) If there is no positive response from the water user in regards to their unpaid bills within thirty (30) days of service of the Delinquent Notice, an Order for Turn-Off shall be issued by the Tribal Treasurer.
 - (2) Water users will be notified at least three (3) working days prior to the turn off by a written notice delivered by a PWD employee or Tribal Police Officer.

18-50 Enforcement

18-50-010 Remedies Authorized

- (a) One or more of the following remedies are available to the PWD for failure of a customer to comply with any provisions of this Ordinance or with any duly adopted regulation of the Fallon Business Council:
 - (1) Termination of utility services;

- (2) Assessment of penalties based upon regulations established by the Fallon Business Council and PWD;
 - (3) Assessment of late charges based upon regulations established by the Fallon Business Council and PWD;
 - (4) Assessment of damages from the customer's non-compliance;
 - (5) Forfeiture of all or part of a deposit and any accumulated interest;
 - (6) Seeking damages based on the customer non-compliance in the Fallon Paiute-Shoshone Tribal Court; and/or
 - (7) Referring violations that may involve criminal conduct to the Tribal Police.
- (b) In all cases, the Tribe's billing policy and due process must be followed.

18-50-020 Remedy Guidelines

The Fallon Business Council and Public Works 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 Ordinance or other applicable law, or whether imposition is discretionary;
- (b) The minimum sanction needed to effect compliance;
- (c) The harm to operation of the PWD and to the Tribe if the sanction is not imposed;
- (d) The customer's past record of compliance or non-compliance, or good faith efforts to achieve compliance;
- (e) The harm to other persons or property if the sanction is not imposed; and
- (f) The effectiveness of similar sanction in securing compliance in other cases.

18-60 Customer Grievances

18-60-010 Determination for Grievance

Any person aggrieved by any action or decision of the PWD to terminate service(s) or assess damages or penalties may file a written grievance with the Public Works Director.

18-60-020 Time Period

The aggrieved person must file a written grievance with the Public Works Director within ten (10) working days from the date of the action from which the grievance arises, which may be the date the aggrieved person receives the determination letter or other notification of a determination by the PWD, or else the person's right to grieve the matter if forfeited.

18-60-030 Contents of Grievance

The written grievance must be addressed to the Public Works Director and set forth the specific grounds for the grievance. The person shall submit all documentary evidence the person wants the Public Works Director to take into consideration.

18-60-040 Director Decision

The Public Works Director shall issue a written decision on the grievance within ten (10) working days after receipt of the grievance. The written decision shall set forth a statement of facts leading up to the grievance and the grounds for the decision on the grievance.

18-60-050 Administrative Appeal

If the person is not satisfied with the Public Works Director's decision on the grievance, he/she may submit a written request for an administrative appeal to the Fallon Business Council. The written request for an administrative appeal to the Fallon Business Council must be submitted within ten (10) calendar days from the date the person receives or should have received notice of the Public Works Director's decision.

18-60-060 Fallon Business Council Hearing

The person may request an administrative hearing in his/her request for an administrative appeal. If the person requests a hearing, the Fallon Business Council shall schedule the hearing within twenty (20) calendar days of the date of receiving the administrative appeal request. The Fallon Business Council shall send the person written notice of the time and location of the hearing. At the hearing, the person may present evidence and inspect the evidence of the PWD.

18-60-070 Finality of Decision

The decision of the Fallon Business Council shall be final and shall not be subject to review by any court.



FALLON PAIUTE-SHOSHONE TRIBE

Resolution No. 20-F-079

BE IT RESOLVED BY THE GOVERNING BODY OF THE FALLON PAIUTE-SHOSHONE TRIBE, THE FALLON BUSINESS COUNCIL, THAT:

WHEREAS: the Fallon Business Council ("Council") is the recognized Governing Body of the Fallon Paiute-Shoshone Tribe ("Tribe") and was established to exercise the privileges and powers of self-government, to conserve and develop the Tribe's resources for the social and economic well-being of its members, and to preserve and protect the civil rights of its members; and

WHEREAS: the Fallon Paiute-Shoshone Tribe is federally recognized by the United States Government and the Secretary of the Interior as a Native American Tribe, and by the power vested by the Tribal Constitution and Bylaws pursuant to Article VI – Powers & Duties of the Business Council, Section 1(h), the Business Council has the power "to promulgate and enforce ordinances governing the conduct of all people within the territorial boundaries of the Tribe, as provided by Federal Law; and to provide for the maintenance of law and order and establishment of a tribal court"; and

WHEREAS: pursuant to this power, the Business Council has created a Law & Order Code and other laws and ordinances to govern the conduct of people within the Tribe's Reservation and Colony; and

WHEREAS: the Business Council has recognized the importance of reviewing and updating the Law and Order Code to ensure the Code meets the Tribe's needs and best serves to protect the interests of the Tribe, its members and persons living and working on Tribal lands; and

WHEREAS: to meet this goal, the Business Council adopted on May 15, 2020 a new Title 18 of the Law and Order Code titled "Sewer and Water Ordinance"; and

WHEREAS: the Business Council has determined that the Sewer and Water Ordinance needs to be amended to add a provision creating a Public Works Committee;

NOW THEREFORE BE IT RESOLVED by the Fallon Business Council, the governing body of the Fallon Paiute-Shoshone Tribe, hereby adopts, approves and promulgates the following amendment to add Section 18-20-044 (stated below) to Title 18 titled "Sewer and Water Ordinance" of the Tribe's Law and Order Code; and which amendment shall go into effect immediately:

18-20-044 Public Works Committee

- (a) The Public Works Committee is hereby established to assist the Public Works Department in administering this Ordinance. The Public Works Committee members shall be appointed by the Fallon Business Council and shall consist of five (5) members. The Public Works Committee members shall be enrolled members of the Tribe, but may not be employees of the Public Works Department. The Public Works Committee is created to act in an advisory capacity to assist the

Resolution No. 20-F-079

Public Works Department with its operations. The Public Works Committee shall have no management or supervisory authority over the Public Works Director or the Public Works Department.

- (b) Committee members shall be appointed by the Fallon Business Council for two year staggered terms. Appointments shall be made in March of each year with two members appointed in even years and three members appointed in odd years. For the initial Committee, the Council shall state the length of each member's term.
- (c) Each year following the appointment of new members, the Public Works Committee shall select from its members one person to serve as Chairperson, one person to serve as Vice-Chairperson, and one person to serve as Secretary. The Secretary shall keep a complete and accurate record of all meetings and any actions taken by the Committee. To conduct Public Works Committee meetings, the Committee Chairman or Vice-Chairman and two other members shall constitute a quorum. The Public Works Committee shall meet monthly, and as often as possible to take care of its business.
- (d) The duties of the Public Works Committee are:
 - (1) To advise the Public Works Department and Public Works Director, and to make recommendations on various public utility matters relating to the Tribe's vision and mission.
 - (2) To acknowledge Tribal members' utility needs and communicate concerns to the Public Works Director.
 - (3) To ensure that the Public Works Department is in compliance with the Sewer and Water Ordinance, its regulations and any other applicable laws and policies.
 - (4) To maintain a fair and equitable service level to all users of the Tribe's public utilities.
 - (5) To review and recommend approval of new regulations and policies developed by the Public Works Department to implement the Sewer and Water Ordinance, which shall be subject to approval of the Business Council.
 - (6) To approve Public Works Committee minutes from the previous meeting and forward a copy to Business Council Secretary within ten (10) business days after such approval.
 - (7) To approve any grants if any applicable regulations require it.
 - (8) To review and provide comments on any programmatic reports developed by the Public Works Department.
 - (9) To maintain confidentiality of all Public Works Department client matters.

BE IT FINALLY RESOLVED that the Fallon Business Council hereby directs the Tribal Secretary to make the amended version of Title 18 of the Law and Order Code available to those Tribal members and attorneys/advocates who request a copy. The expense for each copy will be at the cost of the requester.

CERTIFICATION

At a duly held meeting of the seven members of the Governing Body of the Fallon Paiute-Shoshone Tribe, five of which constitute a quorum, there were 5 members present on the 26th day of May 2020, who **VOTED 4 FOR, 0 AGAINST, and 1 ABSTENTION(S)**, in the adoption of the foregoing resolution, in accordance with the powers vested by the Fallon Paiute-Shoshone Tribe's Constitution and By-Laws.



Margot Dyer, Secretary
Fallon Business Council