



**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

(Amending Tribal Utility Authority Plan of Operation to Satisfy Agreed-to Conditions for Rural Development Funding for the North Fork Drinking Water Diversion Project)

WHEREAS, pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

WHEREAS, the White Mountain Apache Tribe was awarded a \$4.9 million grant/loan package from the U.S.D.A. Rural Development (RD) for the development of a new surface water diversion and water treatment plant known as the North Fork Drinking Water Diversion Project, which is critically needed to replace the declining Miner Flat Well Field; and

WHEREAS, the conditions required by RD for that award, which are standard for all similar RD grant/loan packages, were detailed by RD in a "Letter of Conditions" dated April 25, 2006 addressed to, and signed by, the Tribal Chairman subsequent to Tribal Council approval of Resolutions 05-2005-148 and 08-2005-230A, incorporated by reference herein, which generally approved RD's grant/loan terms and conditions; and

WHEREAS, the existing Tribal Utility Authority (TUA) Plan of Operation authorized by the 1972 By-Laws, incorporated by reference herein, require amendment in order to comply with the terms of the RD Letter of Conditions for the RD grant/loan package approving funding for the North Fork Drinking Water Project ; and

WHEREAS, the Tribal Council, in Council Resolution No. 09-2006-334, authorized the formation of a short-term Tribal Utility Authority Water Policy Working Group in lieu of an existing TUA Board of Directors, and empowered that group to update the existing TUA By-Laws (which incorporate the TUA Plan of Operation) as necessary to conform to the requirements and conditions set forth in the attached RD Letter of Conditions; and

WHEREAS, the attached proposed "Amendment to the White Mountain Apache Tribal Utility Authority Plan of Operation," incorporated by reference herein, has been approved by the TUA Water Policy Working Group in consultation with RD, and satisfies the conditions and terms of the RD grant/loan package which apply directly to the TUA; and

WHEREAS, the Tribal Council finds the attached proposed "Amendment to the White Mountain Apache TUA Plan of Operation" to be acceptable and appropriate for bringing the White Mountain Apache Tribal Utility Authority into compliance with the RD Letter of Conditions cited above, and that the proposed amendment is in the best interests of the White Mountain Apache Tribe

Resolution No. 11-2007-478

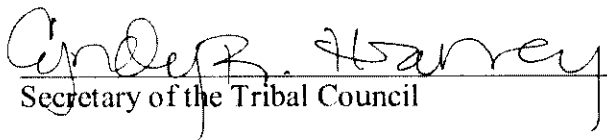
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the proposed amendment to the existing TUA Plan of Operation of the White Mountain Apache Tribal Utility Authority is hereby approved and adopted, effective immediately.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on November 6, 2007 duly adopted by a vote of SEVEN for, ZERO against and ONE abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (i), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council

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AMENDMENT TO WHITE MOUNTAIN APACHE TRIBAL UTILITY PLAN OF OPERATION

This amendment adds the following three components to the existing White Mountain Apache Tribal Utility Plan of Operation:

- 1) A metering plan – describing the approach for installing and activating water meters among Tribal Utility customers;
- 2) Rate structure tables – for residential and non-residential utility customers;
- 3) A hook-up policy – describing the process by which new customers may obtain utility service.

WMAT Utility Authority Metering Plan
(to be added to the Plan of Operation as Section 12 with the existing Section 12 renumbered as Section 14)

Commercial/Non-residential

- Install meters at all non-residential locations.
- WMAT Utility will begin reading meters and collecting revenue from non-residential locations based on a metered commercial/non-residential rate as approved by WMAT Tribal Council.

Residential

- Install water meters throughout the Fort Apache Indian Reservation, starting in the Greater Whiteriver Area, until current meter funding runs out.
- Seek additional funds for residential meter installation shortfall.
- Reserve a portion of the revenue generated from commercial and residential billing to fund residential meter installations until all homes are metered reservation-wide.
- Charge all Tribal Utility Authority customers a flat or metered rate until all customers have meters, then charge all customers a metered rate.
- Continue enforcing current shut-off provisions in the Tribal Utility Plan of Operations for non-paying customers.

6. RATE SCHEDULE
(to replace existing Section 6 in Plan of Operations)

A. Water Rates

The current flat rates for water are \$20 per month per hook-up and \$100 to \$200 per month for commercial customers.

The following meter-based rates will apply to hook-ups where meters are installed:

Meter-Based Water Rate Schedules

Residential

WMAT Lifeline Rate	
Gallons (up to)	Cost
4,000	\$ 10.00 base
8,000	\$ 2.50 per 1000
12,000	\$ 2.75 per 1000
25,000	\$ 3.00 per 1000
>25,000	\$ 3.25 per 1000

Commercial/Non-Residential

Meter Size	Minimum Monthly Charge	Impact Fees
5/8 x 3/4"	\$ 38.25	\$ 300.00
3/4" x 3/4"	\$ 38.25	\$ 450.00
1"	\$ 38.25	\$ 750.00
1 1/2"	\$ 38.25	\$ 1,500.00
2"	\$ 81.00	\$ 2,400.00
3" (hydrants exempt)	\$ 241.25	\$ 5,250.00
4"	\$ 451.00	\$ 15,000.00
6"	\$ 616.25	\$ 30,000.00
8"	\$ 764.00	\$ 52,500.00
10"	\$ 935.25	\$ 70,000.00
Commodity Rate:	\$ 0.1136	per 100 gals for 0 to 10,000 gals
	\$ 0.1420	per 100 gals for 10,001 to 25,000 gals
	\$ 0.1704	per 100 gals for > 25,000 gals

Service Line and Meter Installation Charges Quoted at Time of Contract

B. Other Charges and Fees

1. Reconnection after service has been discontinued: \$25
2. Transfer fee: \$20.
3. Membership fee for the Tribal Utility Authority: \$35.
4. Residential Septic Tank Fee (water without sewer connection): \$18
5. Service Line and Meter Installation: determined on a case-by-case basis

HOOK-UP POLICY
(to be added to Plan of Operations as SECTION 13)

I. CONNECTIONS

A. Permit and Membership

The customer shall obtain written permission in the form of a permit from the Utility Authority and apply for membership to the Utility Authority and pay any associated fees prior to making any connections, re-connections with, disconnects from, or other private use of any Utility Authority water or sewer system, road, appurtenance, or other utility service or facility. Permits may be obtained from the White Mountain Apache Tribal Utility Authority at:

1306 South Industrial Park Road
P.O. Box 517
Whiteriver, Arizona 85941

While the permit itself is free, fees associated with the requested action must be paid in order to receive a permit. The Utility Authority may require plans and specifications stamped by a professional engineer from the permit applicant as it determines are necessary to decide whether or not a permit should be issued. No hook-ups shall be allowed without compliance to this mandatory policy.

B. Private and Unapproved Systems

The customer shall obtain written permission from the Utility Authority prior to constructing any private water or sewer system, or other private utility.

The Utility Authority shall have the right to refuse any installation that is installed before the owner has secured the proper approval, and reserves the right to refuse water to such an installation.

C. Termination of Service for Wasteful Use

The Utility Authority reserves the right to terminate a customer's service when the customer has repeatedly, unduly wasted water. Such undue waste is evidenced by the fact that hydrants, taps, hoses and other fixtures are permitted to run continuously when not in productive use. Where such conditions have been observed, the Utility Authority, having notified the customer of the condition, may terminate water service to the premise if the condition is not corrected within 48 hours after receipt of the notice. Service shall be resumed only after correction of the condition causing wastage of water and payment by the customer of the approved reconnection fee, penalties, and any other accounts in arrears to the Utility Authority.

D. Cross Connections

The customer shall not make a cross-connection with the Tribal public water supply. A cross-connection is defined as any physical connection between the Tribal public water system and another piping system, either domestic water supply, water distribution system, or wastewater collection system. Any individual source must be totally disconnected from the household plumbing prior to connection to the Tribal public water supply. "Disconnection" done solely by a valve shall not be allowed.

E. Service Fees

Customers requesting new services, reconnection, plumbing repairs, or pumping of septic tank shall be invoiced appropriately.

If a customer's water service is discontinued, the customer must make arrangements with the Utility Authority to pay all delinquent charges plus the reconnection fee, as specified in Section 6 of this Plan of Operation, before the Utility Authority will restore water service.

II. MATERIALS AND INSTALLATION

A. Water Pipe

Water service pipe shall be of copper or other approved material at least 3/4" in diameter and placed a minimum of 3 feet below the surface in accordance with the Utility Authority's standard specifications and details.

B. Sewer Pipe

Sewer service pipe shall be of PVC or other approved material at least 4" in diameter and placed a minimum of 3 feet below the surface in accordance with the Utility Authority's standard specifications and details.

C. Service Connections

Each customer shall have a separate and distinct service connection.

The service line from the downstream side of the meter box, or property line if no meter exists, to the house or building and interior plumbing are the responsibility of the customer. The individual residential and commercial water meters and service connections are owned by the Utility Authority and it is the responsibility of the Utility Authority to maintain these.

Any leak in the service line shall be cause for the service to be shut off until such leak is repaired.

No new hook-up will be permitted without an associated meter.

III. HOOK-UP CHARGES

The customer shall pay the appropriate connection fee and monthly user fee in force at the time of service, as specified in Section 6 of this Plan of Operation.

The customer shall pay the Utility Authority for the cost of any labor or material furnished by the Utility Authority as quoted at the time of service.

The customer shall purchase the meter from the Utility Authority and the Utility Authority shall maintain and/or replace this meter for no charge except for damage caused by the customer's own negligence such as, but not limited to, freezing, impact, or mechanical damage.

All customers shall be assessed the cost of installation for their meter and service connection, as quoted by the Utility Authority at the time of installation. Commercial/non-residential customers shall also pay an Impact Fee, as specified in Section 6 of this Plan of Operation, prior to the connection of a new service line.