

SISSETON-WAHPETON SIOUX TRIBE

CHAPTER 61C

USER CHARGE ORDINANCE

An ordinance establishing a user charge system in the Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation. South Dakota, to provide funds needed to pay for operation and maintenance expenses associated with the Sisseton-Wahpeton Sioux Tribe wastewater treatment works. The Sisseton-Wahpeton Sioux Tribe is herein defined as being the area within original boundaries of the Lake Traverse Reservation that is or can be served by the sanitary sewer facility.

WHEREAS, the Tribal Council has constructed wastewater works; and,

WHEREAS, the Tribal Council must pay the operation and maintenance expenses associated with said treatment works and charge the users of said treatment works accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE, Tribal Council of the Sisseton-Wahpeton Sioux Tribe that the following user charge system be established.

61C-01-01 It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the Sisseton-Wahpeton Sioux Tribe to collect charges from all users who contribute wastewater to the Tribal Council treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

61C-02-01 DEFINITIONS

Unless the context specifically indicates, the meaning of terms used in this ordinance shall be as follows:

61C-02-02 B.O.D. - (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C. expressed in milligrams per liter (mg/l).

61C-02-03 Normal Domestic Wastewater - shall mean wastewater that has a BOD concentration of not more than 200 mg/l and a suspended solids concentration of not more than 240 mg/l.

- 61C-02-04 Operation and Maintenance - shall mean all expenditures during the useful life of the treatment works for materials, labor utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.
- 61C-02-05 Replacement - shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
- 61C-02-06 Residential Contributor - shall mean any contributor to the Sisseton-Wahpeton treatment works who lot. parcel of real estate. or building is used for domestic dwelling purposes only.
- 61C-02-07 Shall - is mandatory; "May" is permissive.
- 61C-02-08 SS - (denoting Suspended Solids) shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.
- 61C-02-09 Treatment Works - shall mean any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems individual systems, pumping, power and other equipment and the appurtenances; extensions improvement, remodeling, and additions and alterations thereof; elements essential to provide a reliable recycled supply such as standing treatment units and clear well facilities; and any works including sit acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.
- 61C-02-10 Useful Life - shall mean the estimated period during which a treatment works will be operated.
- 61C-02-11 User Charge - shall mean the portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

61C-03-01 The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement which the Sisseton-Wahpeton Sioux Tribe may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this ordinance.

61C-03-02 That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Article IV, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance, and Replacement Fund and will be kept in two primary accounts as follows:

1. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account).
2. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the replacement account shall be made monthly from the operation, maintenance and replacement revenue in the amount of _____ annually.

61C-03-03 Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the Moneys were borrowed.

61C-04-01 The following classes of users and charges to those users are hereby established (Reference is made to Appendix A of this ordinance) (Flat Rate Structure):

Class I: Residential Users: Single Family Contributors \$ _____/month for operation & maintenance, including replacement.

Class II: Light Commercial/Institutional Users: Non-residential users which contribute between 1000 gpd and 2500 gpd of less than or equal to normal domestic strength wastewater. \$ _____/month for operation & maintenance, including replacement.

Class IV: Heavy Institutional Users: (Schools)
\$ _____/month for operation & maintenance, including replacement.

61C-04-02 Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the _____ treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each user will be as determined by the responsible plant operation personnel and approved by the _____ of the _____.

61C-05-01 All users shall be billed monthly. Billings for any particular month shall be made within thirty days after the end of that month. Payments are due when the billings are made. Any payment not received within the thirty days after the billing is made shall be delinquent.

61C-05-02 A late payment penalty of 10 percent of the user charge bill will be added to each delinquent bill for each thirty days of delinquency. When any bill is thirty days in default, rendition of water and/or sewer service to such premises may be discontinued until such bill is paid following due notice and opportunity for hearing.

61C-06-01 The _____ will review the user charge system annually and revise user charge rates as necessary to ensure that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes. Any excess revenues collected from a class of users shall be credited to that class for the next year and its rates will be adjusted accordingly.

61C-06-02 The _____ will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance including replacement of the treatment works.

61C-07-01 This ordinance shall be in full force and effect from and after its passage and approval.

61C-08-01 SEVERABILITY

If any clause, sentence, paragraph, section, or part of this code shall, for any reason be adjudicated by any court of competent jurisdiction, to be invalid or unconstitutional, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgement shall have been rendered.

APPENDIX "A" TO USER CHARGE ORDINANCE

(Flat Rate Structure)

This appendix presents the methodology to be used in calculating user charge rates and illustrates the calculations followed in arriving at the first year's user charges. The charges established in this based on estimates of expenses and loadings. The actual expenses and loadings that occur may differ from these estimates and certainly they will change as time passes. Therefore, the user charges must be re-established whenever necessary to reflect actual expenses and loadings. Once the system is in use, the expenses and loadings can be determined from operating records and the user charges can be adjusted based on these figures.

- 1. Expenses: The total annual expenses associated with the treatment works as defined in Article II, Section 8, are estimated as follows:

<u>Item</u>	<u>Annual Expense</u>
Billing and collection	_____
Administrative	_____
Power	_____
Labor (including fringe benefit)	_____
Material Costs	_____
Replacement Costs (see Appendix B)	_____
Other	_____

- 2. Loadings: The initial hydraulic loading is estimated to be _____ million gal/year.
- 3. Unit Cost: The initial unit cost for flow in \$/million gallons = $\frac{\text{total annual budget}}{\text{total annual flow}}$ = _____ = _____/mg
- 4. Establishment of User Classes:

<u>User</u>	<u>Number of Users</u>	<u>Average Monthly Water Used per User</u> (gallons)	<u>Total Annual Water Used</u> (M.Gal.)	<u>Cumulative Usage per Class</u> (M.Gal.)
Residential Class: Residential				
Light Commercial/ Institutional: Filling Station Bank Drive-In Church				
Heavy Institutional: School Health Center				
Total				

5. Calculation of charges to users to each user class:

Monthly charge per user in a particular user class = $\frac{(\text{cumulative class usage})(\text{unit cost})}{(12)(\text{number of users in class})}$

Where: Monthly charge per user is in dollars
 Cumulative class usage is in million gallons from paragraph
 Unit cost is in \$/million gallons from paragraph 3
 Number of users in class is from paragraph 4, and
 12 is a conversion factor.

Actual user charge for each user class are to be inserted in Section 61C-04-01 of the ordinance.

Actual calculations for each user class follows:

Residential: Charge Per User = $\frac{(\quad)(\quad)}{(12)(\quad)} = \$$

Light Commercial/
 Institutional: Charge Per User = $\frac{(\quad)(\quad)}{(12)(\quad)} = \$$

Heavy Institutional: Charge Per User = $\frac{(\quad)(\quad)}{(12)(\quad)} = \$$