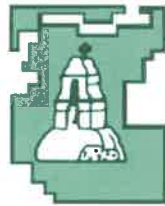


**Pala Band of Mission Indians
Ordinance No. 11
Pala Utility District**



**Amended
July 11, 2007**

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS GOVERNING THE
PALA UTILITY DISTRICT

Be it enacted by the Executive Committee of the Pala Band of Mission Indians, Pala, California as follows:

ARTICLE I
DEFINITIONS

Section 1.01 General Definitions.

- (a) Band or Pala Band shall mean the Pala Band of Mission Indians.
- (b) Board or Utility Board shall mean the Pala Utility Board.
- (c) District shall mean the Pala Utility District.
- (d) Landlord in Good Standing shall mean a person who rents property within the exterior boundaries of the Pala Indian Reservation and who is in full compliance with all applicable tribal laws, customs and regulations.
- (e) Non-M lines are those lines owned by the Pala Band whose function is to transport domestic water from the source of supply to those places on the Pala Reservation where it may be made available for individual use through "service lines" installed by the Pala Band.ember shall mean any person who is not an enrolled member of the Pala Band of Mission Indians.
- (f) Reservation shall mean the Pala Indian Reservation.

Section 1.02 Definitions of the Pala Water System.

- (a) Main
- (b) Service lines are those lines installed by the Pala Band whose function is to bring domestic water from the main lines to the existing dwelling exteriors or where no dwelling exists, to the existing property line.
- (c) Existing Hookup means a line which has been fully installed by the Pala Band of Mission Indians and can be used by an enrolled member of the Pala Band of Mission Indians to bring water to their dwelling, livestock or irrigated fields from a service line, regardless of whether the service to that property has been shut off or whether the hookup is currently in use.
- (d) Fire Hydrant Lines are those lines installed and owned by the Pala Band whose function is the transport of domestic water from source of supply for fire prevention, located strategically throughout the Reservation.
- (e) New hookup means a line which has not yet been fully installed and may be used by property owner or tenant to bring water to dwellings, livestock or irrigated fields from a service line, including any branches or lines which may added to an existing hookup in the future.
- (f) Sprinkler Service Lines are those lines installed and owned by the Pala Band whose function is to transport domestic water to existing and future recreation areas.

Sprinkler service lines are to be set up on locations specified and approved by the Pala Band.

- (g) Watering trough shall mean an open box-like or basin-like receptacle.
- (h) Irrigation customers of the Pala Utility District are members, landowners, lessees and residents of the Pala Indian Reservation who use water supplied by Pala irrigation wells to irrigate crops.
- (i) Livestock shall mean cattle, horses, goats, mules and other farm animals. Livestock shall not include fowl for the purposes of this Ordinance.

ARTICLE II GENERAL PROVISIONS

Section 2.01 Short Title. This Ordinance shall be known and may be cited as “The Pala Utility District Ordinance.”

Section 2.02. Purpose. The purpose of this Ordinance shall be to establish a utility district in order to enable the government of the Pala Band to effectively, fairly and efficiently exercise its governmental functions with regard to the provision of utilities to its members and other residents of the Pala Indian Reservation while ensuring the health and safety of the residents, promoting the conservation of tribal resources and protecting the environment.

Section 2.03. Scope. The Pala Utility District shall be responsible for operating, regulating, maintaining and billing for the following utilities: the Pala Domestic Water System, the Pala Sewage Disposal System and the Pala Solid Waste Disposal Service.

Section 2.04. Pala Utility Board.

- (a) Membership: There shall be established a Pala Utility Board. The Pala Utility Board shall consist of an employee of the Pala Fire Department, an employee of the Pala EPA Department, an employee of the Pala Utility District, an employee of the CUPA cultural center, an employee of the Pala Financial Department, an employee of Tribal Services, Landowner or a Landlord in Good Standing and an Enrolled Member of the Pala Band who is not leasing a residence to a tenant within the Pala Reservation. All members of the Pala Utility Board shall be appointed by the Executive Committee by a majority vote. All Board members shall serve staggered terms of 2 years, but may be removed prior to the expiration of their term by a majority vote of the Executive Committee. The composition of the Board is intended to provide the Board with a wide range of knowledge in several fields of expertise. At all times, each member of the Board shall make every effort to impart their expertise to the Board, while deferring to the expertise of other Board members.
- (b) Duties: The Pala Utility Board shall be responsible for enforcement of the Pala Domestic Water System, the Pala Sewage Disposal System, and the Pala Solid Waste Disposal Service. The Pala Utility Board shall also serve as the tribunal for disputes over bills, service, violations, grievances and other questions related to the utilities covered by this Ordinance. The Board may retain such employees, consultants or

attorneys as it shall deem necessary to carry out its duties under this Ordinance. Except as specifically set forth in this Ordinance, all Board members have no authority to act on the Board's behalf unless they are empowered to do so by a majority vote of the Board. The Board may conduct official business only when there is a majority of the Board present at a duly called meeting. The Board may hold meetings as needed but shall meet at least once every three months or on a quarterly basis.

- (c) **Board Representative:** By a majority vote, the Board shall appoint a representative who shall act as a liaison between the Board and the Executive Committee, the General Council and the general public. The Board Representative shall be responsible for providing all correspondence, including all notices and written decisions of the Board, to the Executive Committee, the General Council and to the general public. The Board Representative shall be the sole spokesperson for the Board and no other Board member shall send any correspondence in the name of the Board or represent that her or she speaks on the Board's behalf.

Section 2.05. Prior ordinances. Enactment of this Ordinance supersedes and repeals the following prior ordinances of the Pala Band: Ordinance No. 2 (Pala Domestic Water System); and Ordinance No. 3 (Pala Rubbish Dump). This Ordinance does not repeal or change Ordinance No. 9 (Sewer System) except that any part of Ordinance No. 9 which is inconsistent with any provision of this Ordinance is repealed.

Section 2.06. Posting. This Ordinance shall take effect thirty (30) days after its passage. At least fifteen (15) days after passage, copies of the same shall be posted by the Treasurer of the Pala Band at three public places within the Pala Indian Reservation.

Section 2.07. Applications for service.

- (a) Those persons receiving any utility service offered by the Pala Band on the date of approval of this Ordinance shall continue to receive such service. All requests for future utility service on the Pala Reservation shall be made by written application to the Pala Utility Board.
- (b) The application form provided by the Pala Utility Board shall require the applicant to set forth the following information:
 1. Name, address and tribal roll number of applicant, if applicable.
 2. Date of application.
 3. Which services are requested.
 4. Purpose for which service is to be used (e.g., domestic, business).
 5. Signature of the applicant.
 6. Signature of Landlord where the applicant is or will be leasing a residence.
 7. Such other information as the Pala Utility Board may reasonably request.
- (c) The application form shall also state that, if accepted, the application shall constitute a contract for services. By signing the application, the applicant agrees to comply with all rules and regulations of the Pala Utility District and to make all payments in a timely manner. The contract may be enforced against the applicant by the Board in

any court of competent jurisdiction, in which case the Board shall be awarded costs of suit and reasonable attorney fees.

- (d) The application shall also include a deposit of \$500.00 to ensure payment where an applicant is attempting to resume service after the applicant failed to make timely payments in any consecutive three-month period and the Public Utility District interrupted service due to nonpayment.

Section 2.08 Approval of Application. All applications shall be reviewed by the Pala Utility Department. Upon reviewing an application, the Pala Utility Board shall make recommendations to the Tribal Chairman on whether to grant or deny the application. The Tribal Chairman shall grant or deny applications in his or her own discretion, subject to appeal in accordance with Article IX. All decisions whether to grant or deny an application shall be made in writing.

Section 2.09. Setting Fees. The Pala Utility Board shall set and periodically review fees for all utility services covered by this Ordinance. Fees set by the Pala Utility Board shall be subject to the approval of the Executive Committee. The Board may, at its discretion, hold public hearings regarding utility fees. Fees shall be set at levels which cover the costs of safe and efficient provision of service to the community. Any person who tenders a bad check to the Pala Utility Board shall be charged \$25. After one (1) bad check, payments to the Pala Band must be made by cash only.

Section 2.10. Landlord. Where a Landlord is leasing a residence to a lessee, the Landlord shall ultimately be responsible for the payment of all Pala Utility District fees charged for water and waste disposal services provided to such residence. For any Pala Utility customer who is a lessee of a residence within the exterior boundaries of the Pala Indian Reservation, if full payment of water service fees, waste disposal fees, reconnection fees and/or penalties is not made within sixty (60) days of imposition of the delinquent fee, the Landlord shall be billed for the outstanding balance. Where a Landlord is leasing a residence to a lessee, the Landlord shall be responsible for all maintenance of that residence as required by this Ordinance.

Section 2.11. Sovereignty. The Pala Band is a federally recognized Indian tribe which enjoys sovereign immunity. Nothing in this Ordinance shall be construed to waive any aspect of that sovereign immunity nor shall any provision of this Ordinance repeal any waiver of sovereign immunity expressly made by the Band in any other instrument, ordinance or contract.

ARTICLE III ENROLLED MEMBERS

Section 3.01. Members not billed directly. Utility bills for enrolled members of the Pala Band shall be paid from tribal funds except where tribal payment is specifically excluded by this Ordinance. The Treasurer shall transfer monies from tribal funds to the various utility accounts or otherwise manage said monies to cover utility charges of enrolled members in a manner consistent with the directives of the Pala Utility Board. The Treasurer shall not send invoices or statements to enrolled members for the utilities covered by this section.

Section 3.02. One residence per member. No enrolled member of the Pala Band shall be entitled to more than one residence on the Pala Indian Reservation to be billed under Section 3.01 of this Ordinance.

Section 3.03. Residences only.

- (a) The billing provision of Section 3.01 of this Ordinance applies to actual residences of enrolled Pala members only. An enrolled member must genuinely reside full-time on the premises for Section 3.01 billing to apply.
- (b) Any enrolled Pala member or Non-Member, owning or operating any business within the exterior boundaries of the Pala Indian Reservation or served by the Pala Utility District, shall be billed directly for utilities provided to the business premises. Utilities provided to such businesses shall not be paid from tribal funds.
- (c) Any enrolled Pala member operating a business out of the premises of his or her residence, which premises consume over fifty percent (50%) more than the Pala Reservation average residential use of water or which generate over fifty percent (50%) more than the Pala Reservation average residential amount of trash, may be subject to additional direct billing at the determination of the Pala Utility Board. Since water usage may not be metered, the Board shall use whatever reliable methods of estimate it has at its disposal to make findings relative to this provision.
- (d) Payment of members' bills for irrigation or livestock water shall not be made under this section and shall be billed directly to the customers regardless of their tribal membership status.

Section 3.04. Eligibility. For a household to be eligible for billing under Section 3.01 of this Ordinance, at least one permanent full-time resident of the household must be an enrolled member of the Pala Band.

- (a) If unenrolled family member(s) of an enrolled member of the Pala Band reside on any premises within the Reservation but the Pala member does not actually reside there, the resident(s) shall be billed directly for utility service under Article IV of this Ordinance.
- (b) The household of an enrolled member under the age of eighteen (18) years, who is residing on the Pala Indian Reservation without his or her parents but with a guardian, shall be deemed eligible for billing under Section 3.01 with the prior written approval of the Pala Utility District Board.
- (c) Any person willfully avoiding payment of utilities by falsely claiming eligibility for payment under Section 3.01 shall be liable for repayment for any monies wrongfully paid from tribal funds. Willful violation of this section shall also constitute fraud against the Pala Band and perpetrators may be subject to eviction or exclusion from the Reservation under tribal law.

ARTICLE IV BILLING OF NON-MEMBERS

Section 4.01. Direct billing. Households served by the Pala Utilities District which are not eligible for billing under Section 3.01 of this Ordinance shall be billed directly on a monthly

basis and shall receive one monthly bill combining charges for water, sewer, and trash collection. Where no meter has been installed, there shall be a flat rate to be determined by the Board. Bills shall be issued on or about the twentieth day of each month for that month's usage.

Section 4.02. Timely payment. Payment of the utility bill is due in the tribal office or in the tribal office drop box by no later than the close of business on the first business day of the month following the issuance of the bill. Saturdays, Sundays and legal holidays are not considered business days for the purposes of this Ordinance.

Section 4.03. Late payments: penalties. If payment has not been received by 4:00 p.m. on the fifteenth day of the month following billing, a delinquent fee of thirty dollars (\$30.00) shall be imposed. Notice of imposition of the delinquent fee may be made by separate bill or included in the next regular monthly billing to the customer, at the discretion of the Board.

Section 4.04. Disconnection. If full payment of the utility bill and the delinquent fee is not made by the fifteenth day of the month following imposition of the delinquent fee, any and all utility services to the household may be disconnected under the following procedures:

- (a) The Pala Utility Board shall notify the customer by first-class mail that the bill is delinquent and provide the customer ten (10) days from the date of the letter to respond with payment in full, including penalties as specified in Section 4.03. The letter shall also inform the customer of the date of the next meeting of the Pala Utility Board, at which meeting the Board shall schedule a hearing thereon.
- (b) Hearings regarding utility disconnection shall be conducted by the Pala Utility Board pursuant to Section 9.03 of the Ordinance.
- (c) At the close of the hearing, the Utility Board may order any or all utility services discontinued immediately by adoption of a written resolution or order, a copy of which shall be provided to the customer prior to actual disconnection. Disconnection shall not take place on any Saturday, Sunday, legal holiday or at any time during which the business offices of the Pala Band are not open to the public.
- (d) If any utilities are shut off, a reconnection fee may be imposed to cover the actual and administrative costs of reconnection.
- (e) During the period of disconnection or non-connection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Pala Band may cause proceedings to be brought for the abatement of such occupancy.

Section 4.05. Partial Payment. Payment of the utility bill shall be made in whole as one item. Partial payment of a utility bill does not relieve the customer of the obligation to pay any penalties or reconnection fees nor shall partial payment of a utility bill constitute a defense against disconnection. Partial payments shall not be earmarked by the customer toward any particular utility. If partial payment is received from a customer, disconnection of service under Section 4.04 may be made to any or all utility services provided under this Ordinance.

Section 4.06. Further action. For any Pala Utility customer who is a lessee of a residence within the exterior boundaries of the Pala Indian Reservation, if full payment of a utility bill and penalties or reconnection fees is not made within sixty (60) days of imposition of the delinquent

fee or seventy-five (75) days after the due date of the utility bill, whichever comes first, proceedings may be initiated toward termination of the lease and exclusion of the lessee from the Pala Indian Reservation.

Section 4.07 Bad check charge. Personal checks may be used to pay utility bills. However, if any personal check offered in payment pursuant to this section is returned without payment for any reason, a charge of ten dollars (\$10.00) shall be imposed. In addition to the imposition of the charge, the Board, in its discretion, may require a different method of payment by the person involved for all future utility charges.

Section 4.08. Collection by suit. As an alternative to any of the other procedures provided in this Ordinance, the Board may collect unpaid charges by suit, in which event it shall have judgment for the cost of suit and reasonable attorney fees.

ARTICLE V RELIEF

Section 5.01. Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of this Ordinance should be suspended or modified as applied to a particular premises or person, and may, by resolution, order such suspension or modification for such premises or person during the period of such special circumstances or any part thereof.

Section 5.02. Relief on application. When any person by reason of special circumstances is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to his or her premises, that person may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his or her premises.

If such application be approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises or person, to be effective as of the date of the application and continuing during the period of the special circumstances.

ARTICLE VI WATER

Section 6.01. Management and water services.

- (a) The Pala Utility Board shall be responsible for administering domestic and irrigation water facilities in accordance with this Ordinance.
- (b) The Pala Utility Board shall exercise diligence and care to furnish and deliver, within the capabilities of the system, a continuous and sufficient supply of domestic and irrigation water to the approved users residing on the Pala Reservation and to avoid any shortage or interruption of service.

Section 6.02. Domestic water use. Water being a precious tribal resource, domestic water shall be used in a husband-like manner; no waste or unauthorized use of domestic water shall be permitted. Water furnished by the Pala Utility District may only be used for domestic purposes; no person may sell such water or profit from the use of such water.

- (a) Use of domestic water to the detriment of other water users shall not be permitted.
- (b) Domestic water users shall grant such access to premises as is necessary for the inspection, operation and maintenance of service, main, fire hydrant and sprinkler service lines.
- (c) No use of domestic water for irrigation, except for noncommercial gardens, lawns, trees, or shrubs, shall be permitted. In cases of water shortage announced by the Pala Utility Board, water shall be used only for household purposes, and the use of water for gardens, lawns, flowers, trees and shrubs shall not be permitted. A five dollar (\$5.00) penalty may be charged by the Pala Utility Board for violations of this section.
- (d) Properly working floats shall be maintained on all water troughs connected to the domestic water system even if the connection is temporary. The domestic water supply shall be shut off on all troughs when they are not in use. Domestic water users shall supply their own floats.
- (e) Domestic water users are required to maintain the service lines from the property line to their residences in good order.
- (f) The Pala Utility Board, upon notification that a water customer is in violation of these rules, shall issue a written order to desist to the customer. If the customer fails to come into compliance with said order within the (10) days, the Board shall send by first-class mail to the customer a letter informing the customer that a hearing on disconnection has been set on the date of the next meeting of the Pala Utility Board.
- (g) The Pala Utility Board shall not approve any New Hookups to service lines for Non-Members in accordance with the moratorium regarding Non-Members enacted by the General Council on January 17, 2007.

Section 6.03. Irrigation. The irrigation water delivered to fields is currently not metered because the cost associated with installation of meters for small fields is prohibitively high. Costs of irrigation water shall therefore be allocated under a method devised pursuant to an engineering study, which may be updated periodically, and shall be based upon a combination of the irrigated acreage and the estimated total water requirements for each crop, with no discount for Pala members.

- (a) Irrigation customers of the Pala Utility District shall immediately notify the District in writing of any changes in irrigated acreage and crops grown. Any customer who fails to provide such notification in a timely manner shall be liable for any underpayment of irrigation water use charges. Willful violation of this section shall also constitute fraud against the Pala Band and perpetrators may be subject to cutoff of irrigation water or eviction or exclusion from the Reservation under tribal law.
- (b) Irrigation customers shall be billed directly for their irrigation water. The irrigation bill shall issue once monthly and shall not be combined with any other utility bill. Payment of the irrigation bill shall be due within thirty (30) days of receipt.

- (c) If payment of an irrigation bill is not timely received, a delinquent fee of fifty dollars (\$50) shall be imposed. Notice of imposition of the delinquent fee shall be made by separate bill. If full payment of the irrigation bill and the delinquent fee is not made by the fifteenth day of the month following the imposition of the delinquent fee, irrigation service may be disconnected under the procedures of Section 4.04 of this Ordinance.

Section 6.04 Livestock. It is the finding of the Pala Utility Board that use of domestic water for watering livestock for any household with more than five head of livestock adds significant burdens and costs to the domestic water system. The Board further finds that for the households with five or fewer head of livestock, the administrative costs of charging for livestock water use outweigh the potential benefits of the Pala Band from charging for such use. A monthly surcharge of five dollars (\$5) per head of livestock shall therefore be charged to customers with more than five (5) head of livestock. The surcharge shall be payable for all livestock of the household and not only those in excess of five.

- (a) All customers of the Pala domestic water system who use water provided by the District for the raising of livestock and who have more than five (5) head of livestock shall, within thirty (30) days of the enactment of this Ordinance, register the number of their livestock with the Board.
- (b) All customers described in paragraph (a) of this section shall immediately notify the Board of changes in the number of livestock kept on the Reservation, whether by birth, death, sale, loss, purchase or other means of acquisition.
- (c) All customers with more than five (5) head of livestock per household shall be billed directly for the livestock surcharge, whether or not the customer is an enrolled member of the Pala Band. Livestock surcharge bills shall be payable within fifteen (15) days of issuance.
- (d) If payment is not received within fifteen (15) days of issuance, a delinquent fee of fifty dollars (\$50) shall be charged. Notice of imposition of the delinquent fee may be made by separate bill or included in the next regular monthly billing to the customer, at the discretion of the Board.
- (e) If full payment of the livestock surcharge and the delinquent fee is not made by the fifteenth day of the month following imposition of the delinquent fee, any and all utility services to the household may be disconnected under the procedures of Section 4.04 of this Ordinance.

ARTICLE VII SOLID WASTE DISPOSAL

Section 7.01. Pala Rubbish Dump. The Pala Rubbish Dump has been closed pursuant to the requirements of the federal Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act and applicable federal regulations. By adoption of this Ordinance, the Pala Band has determined to cease to allow the disposal of solid waste in the Pala Rubbish Dump or on any other location on the Reservation and to arrange for the provision of an alternative solid waste management service applicable to all residents of the Reservation.

Section 7.02. Prohibitions.

- (a) No person shall discharge, release, dispose, or conduct open dumping or open burning of any solid waste on the Pala Indian Reservation except as provided in Article VII of this Ordinance.
- (b) No person shall dispose of solid waste or otherwise disturb the solid waste or the solid waste management facilities known as the Pala Rubbish Dump.
- (c) No person shall generate, store, transfer, transport, treat, discharge, release or dispose of a hazardous waste through the conduct of any business on the Pala Indian Reservation, except as permitted under the Resource Conservation and Recovery Act and/or this Ordinance.
- (d) No operator, owner, agent or employee of any business, industry or facility within the exterior boundaries of the Pala Indian Reservation shall dispose, or cause to be disposed, any solid waste in the waste receptacles of any other business, industry, facility or residential premises.

Section 7.03. Mandatory participation. All residents and business owners and operators within the exterior boundaries of the Pala Indian Reservation shall participate in the Pala Solid Waste Disposal System.

Section 7.04 Service rules.

- (a) All residents and business owners and operators within the exterior boundaries of the Pala Indian Reservation shall comply with the rules and regulations of the Pala Solid Waste Disposal System.
- (b) The Pala Utility Board may create and enact such regulations as are necessary for the safe and sanitary collection, handling and disposal of solid wastes within the Reservation. Any regulations enacted under this provision shall be disseminated in writing to all customers no less than fifteen (15) days before taking effect and shall at that time be attached as appendices to this Ordinance.
- (c) All residents and business owners and operators within the exterior boundaries of the Pala Indian Reservation are encouraged, and may be required, to implement source separation to segregate solid waste streams to allow for recycling. If such activities are required, appropriate containers will be provided to enhance and control the source separation.

Section 7.05. Domestic fees. A standard household fee for solid waste disposal shall be set by the Board and may be raised or reduced periodically by the Board to cover the cost of disposal or of compliance with applicable laws and regulations. The standard household fee shall apply to all customers and the Board shall not reduce fees to any customer because that customer's household may produce less solid waste than any other household. Fees shall be billed under Section 3.01 of this Ordinance for enrolled members or billed directly under Section 4.01 to Non-Members. Failure to make full and timely payments shall subject customers to penalties and utility disconnections pursuant to Article IV of this Ordinance.

Section 7.06 Business and Industrial Fees. In accordance with section 2.09, the Board may recommend a different fee for businesses or industries or a schedule of fees based upon size or actual or anticipated solid waste production of businesses or industries.

Section 7.07. Trespass. Any person entering the Pala Indian Reservation for the purpose of dumping or disposing of solid waste or who dumps or disposes of solid waste on the Reservation in violation of this Ordinance shall be guilty of trespass. The Board may initiate a hearing upon such violations and may impose a penalty in an amount not to exceed five thousand dollars (\$5,000) for each violation based on the severity of the violation as well as costs to clean up, abate, remove and mitigate the environmental impacts of the solid waste and to restore the Reservation to the condition in which it existed immediately prior to the violation. The Board may sue for damages for trespass and any other applicable common law or statutory cause of action in any court of competent jurisdiction.

Section 7.08 Discovery. Any person who finds or witnesses solid waste disposal on the Reservation in violation of this Ordinance shall immediately notify tribal officials of said disposal and shall fully disclose all known information regarding the disposal.

Section 7.09. Penalties. Violations of any provision of Article VII of this Ordinance and of any regulations enacted pursuant to it, shall be deemed a public nuisance and may be prosecuted by the Board in any court of competent jurisdiction. The Board may initiate a hearing upon such violations and may impose a penalty in an amount not to exceed five thousand dollars (\$5,000) for each violation based on the severity of the violation as well as costs to clean up, abate, remove and mitigate the environmental impacts of the solid waste and to restore the Reservation to the condition in which it existed immediately prior to the violation. In addition, failure or refusal to pay fees imposed by the Pala Solid Waste Disposal System shall require imposition of penalties and utility disconnection pursuant to the provisions of Article IV of this Ordinance.

ARTICLE VIII GRIEVANCES

Section 8.01. Grievances against the Board. Any customer of the Pala Utility District may present concerns or make complaints to the Board about utility service orally or in writing to the Board. If such matters cannot be resolved by the Board, the customer may request in writing a hearing before the Executive Committee.

Section 8.02. Grievance hearings. The Board shall schedule grievance hearings within one month of receipt of requests therefore. The hearings will be conducted by the Board under the procedures specified in Section 4.04(b) of this Ordinance. The Board is empowered to meet in closed session outside the presence of the customer to make determinations on requests presented. Decisions of the Board shall be made in writing and promptly delivered or sent by first-class mail to the customer.

Section 8.03. Hearing procedures. The following procedures apply to all hearings of the Pala Utility Board whether the hearing has been called by the Board for disconnection of a customer's service, for any violation of this Ordinance, or by request of a customer or applicant for utility service.

- (a) No individual whose case is being heard by the Board shall be represented by an attorney at such hearings unless the Board is also represented by an attorney.

- (b) Hearings shall not be recorded electronically or by stenographic means unless the Utility Board so permits.
- (c) Hearings of the Board shall be open to the public only by mutual agreement of the Pala Utility Board and the individual whose case is being heard.
- (d) Notwithstanding a decision that a hearing is not open to the public, the individual shall be entitled to present evidence and witnesses on his or her own behalf, to cross-examine any witnesses presented by the Utility Board, and to explain reasons for his or her position. Witnesses may be excluded from hearing except during their testimony.
- (e) The Board shall issue written hearing decisions in the form of resolutions or orders, copies of which shall be provided in a timely fashion to the affected individual(s).
- (f) The Board may consider the granting of relief under Section V of this Ordinance in any hearing. If the Board determines to grant such relief, the written decision shall so state.

ARTICLE IX APPEAL TO THE EXECUTIVE COMMITTEE

Section 9.01. Requesting an appeal. Any customer of the Pala Utility District or any person whose application for service has been denied may appeal any decision of the Board or the Tribal Chairman to the Executive Committee. Any person requesting such an appeal must make a written request to the Executive Committee within fifteen (15) days of receipt of the Board's or the Tribal Chairman's written decision.

Section 9.02 Appeal hearings. The Executive Committee shall schedule a hearing within thirty (30) days from the receipt of the customer's request for appeal. The Executive Committee may meet in closed sessions outside of the customer's presence in order to evaluate the customer's appeal. The Executive Committee shall render a decision within thirty (30) days of the hearing. All decisions made by the Executive Committee shall be in writing and all such decisions shall be final.

Section 9.03. Appeal procedures. The following procedures shall apply to all hearings before the Executive Committee regarding a decision of the Board or the Tribal Chairman.

- (a) No individual whose appeal is being heard by the Executive Committee shall be represented by an attorney at such hearings unless the Board is also represented by an attorney.
- (b) Hearings of the Executive Committee shall be open to the public only by mutual agreement of the Executive Committee and the individual whose case is being heard.
- (c) During a hearing, individuals appealing the decision of the Board shall have the opportunity to explain the reasons for his or her position.
- (d) The Board shall designate a member of the Board or an employee of the Pala Utility District as Board representative. The Board representative shall have the opportunity to explain the reasons for the Board's position to the Executive Committee.
- (e) At the Executive Committee's discretion, an individual appealing the decision of the Board may be entitled to present evidence and witnesses on his or her own behalf.

Witnesses may be excluded from hearing except during their testimony. The Board representative shall have the right to cross-examine any witnesses of an individual appealing the decision of the Board.

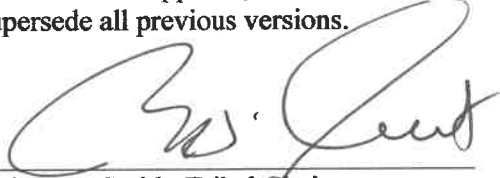
- (f) At the Executive Committee's discretion, the Board representative may be entitled to present evidence and witnesses on the Board's behalf. Witnesses may be excluded from the hearing except during their testimony. The individual appealing the decision of the Board shall have the right to cross-examine any witnesses of the Board.
- (g) Hearings shall not be recorded electronically or by stenographic means unless the Utility Board so permits.
- (h) The Board may consider the granting of relief under Section V of this Ordinance in any hearing. If the Board determines to grant such relief, the written decision shall so state.
- (i) The Executive Committee shall issue written hearing decisions in the form of resolutions or orders, copies of which shall be provided in a timely fashion to the affected individual(s).

ARTICLE X AMENDMENT

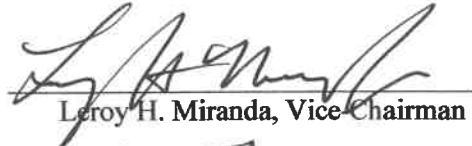
Section 10.01 This Ordinance may be amended by the General Council at any time.

CERTIFICATION

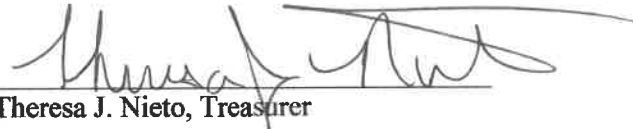
We, the undersigned Executive Committee Members of the Tribe, do hereby certify that the foregoing Ordinance was amended and adopted by a majority vote of the General Council, at a duly called meeting of the General Council, at which a quorum was present, by a vote of 64 in favor and 19 opposed, with 50 abstention, on this 11th day of July, 2007. This version shall supersede all previous versions.



Robert H. Smith, Tribal Chairman



Leroy H. Miranda, Vice Chairman



Theresa J. Nieto, Treasurer



Kilma Lattin, Secretary



Annalee Yanez, Committee Member



Dion Perez, Committee Member



-Office of the Secretary-