

RESOLUTION NO. 26-R-10

**IOWA TRIBE OF KANSAS AND NEBRASKA
EXECUTIVE COMMITTEE
APRIL 15, 2026**

**APPROVING THE IOWA TRIBE OF KANSAS AND NEBRASKA TRIBAL WATER
UTILITY CROSS-CONNECTION CONTROL PLAN AND PROGRAM,
AUTHORIZING IMPLEMENTATION AND ENFORCEMENT, AND RATIFYING
TRIBAL WATER UTILITY AUTHORITY**

WHEREAS, the Iowa Tribe of Kansas and Nebraska (“ITKN” or the “Tribe”) is a federally recognized Indian Tribe within the meaning of federal law, including 25 U.S.C. § 5123; and

WHEREAS, pursuant to Article IV, Section 2, of the Tribe’s Constitution, the governing body of the Tribe is the Executive Committee, which is authorized to act for and on behalf of the Tribe by resolution at a duly called meeting with a quorum present; and

WHEREAS, the ITKN Executive Committee met in Regular Session this 15th day of April, 2026, with a quorum present; and

WHEREAS, in or around 1985, the Tribe developed its own potable water system on the ITKN Reservation, which system has been updated and expanded from time to time, has been issued the formal name of “Iowa Tribe Reservation Water,” and has been assigned Public Water System ID No. 070000008 by the United States Environmental Protection Agency, Region 7; and

WHEREAS, the Executive Committee recognizes that pursuant to applicable federal law, including the Safe Drinking Water Act, 42 U.S.C. Section 300f et seq., the National Primary Drinking Water Regulations, 40 C.F.R. Part 141, and the Public Water System Supervision Regulations, 40. C.F.R. Part 142, the Tribe may implement a Cross-Connection Control Program for its Public Water System; and

WHEREAS, the Executive Council finds that adoption and implementation of a Cross-Connection Control Plan and Program is necessary and appropriate to protect the potable water distribution system operated by the Tribe, to prevent contamination and backflow hazards, and to promote the health, safety, and general welfare of Tribal members and other persons served by the Tribe’s Public Water System; and

WHEREAS, the Executive Committee further intends to formally recognize and ratify the establishment and operation of the Iowa Tribe of Kansas and Nebraska Tribal Water Utility (“**Tribal Water Utility**”) as the tribal utility entity responsible for

administration, operation, implementation, and enforcement of the Tribe's Cross-Connection Control Plan and Program; and

WHEREAS, the Executive Committee has reviewed the document entitled "**Cross Connection Control Plan (Program Implementation Document)**," effective April 15, 2026, together with its appendices (the "**Plan and Program**"), which document serves as both the Tribe's Cross-Connection Control Plan and the operational framework for implementation of the Cross-Connection Control Program, a copy of which is annexed hereto as **Annex A**; and

WHEREAS, the Plan and Program provides that the Tribal Water Utility shall implement the Program in phases as resources allow and as system needs require, including an Initial Phase, an Implementation Phase, and an Ongoing Phase, with priority given to high hazard conditions and service connections; and

WHEREAS, the Executive Committee intends that the Plan and Program shall apply to all service connections supplied by the Tribal Water Utility, including residential, commercial, industrial, governmental, irrigation, and any other applicable service connections identified in the Plan and Program; and

WHEREAS, the Executive Committee intends that the Tribal Water Utility shall designate a Cross-Connection Control Program Administrator to oversee phased implementation of the Plan and Program and to carry out the duties set forth therein; and

WHEREAS, the Executive Committee intends that all customers receiving water service from the Tribal Water Utility shall comply with the requirements of the Plan and Program, including inspection, installation, testing, maintenance, repair, replacement, and access requirements, and shall be subject to enforcement for violations as provided in the Plan and Program; and

WHEREAS, the Executive Committee finds that it is in the best interests of the Tribe to approve the Plan and Program, including the implementation and enforcement provisions therein, and to authorize the Tribal Water Utility to administer and enforce the same, subject to Executive Committee oversight as necessary.

NOW, THEREFORE BE IT RESOLVED, that the Executive Committee hereby approves and adopts the Iowa Tribe of Kansas and Nebraska Tribal Water Utility Cross-Connection Control Plan and Program Implementation Document, effective April 15, 2026, together with all appendices thereto, attached hereto as **Annex A** and incorporated herein by this reference as if fully set forth herein.

BE IT FURTHER RESOLVED, that the Executive Committee hereby authorizes the Tribal Water Utility to implement the Plan and Program in phases, as set forth in Annex A, including but not limited to development of an inventory framework, identification of high hazard service connections, initiation of inspections, implementation of testing requirements, establishment of

documentation and recordkeeping practices, development and application of enforcement procedures, and continuing program refinement.

BE IT FURTHER RESOLVED, that the Executive Committee hereby confirms, ratifies, and authorizes the authority of the Tribal Water Utility, as a condition of providing water service, to carry out the Plan and Program and to protect the Tribe's Public Water System, including authority to:

1. Enter and inspect premises served by the Tribe's water system, consistent with applicable law and service conditions;
2. Identify actual or potential cross-connections and classify service connections by hazard level;
3. Require installation, maintenance, testing, repair, replacement, and proper operation of backflow prevention assemblies and related protective measures;
4. Require customers to provide access, documentation, and compliance with applicable Plan and Program requirements;
5. Issue notices of violation and other compliance communications;
6. Deny, discontinue, or restore water service in accordance with the enforcement provisions of the Plan and Program where a cross-connection hazard exists or compliance has not been achieved; and
7. Take emergency action, including immediate termination of service where an imminent threat to the Tribe's Public Water System exists, as provided in the Plan and Program.

BE IT FURTHER RESOLVED, that the Executive Committee hereby appoints Executive Committee Secretary Tony Fee as the initial Cross-Connection Control Program Administrator for the Plan and Program, to serve in that capacity unless and until replaced or redesignated by further action of the Executive Committee or pursuant to duly authorized action of the Tribal Water Utility consistent with this Resolution and Annex A.

BE IT FURTHER RESOLVED, that all customers receiving water service from the Tribal Water Utility shall be subject to the requirements of the Plan and Program and to enforcement actions for noncompliance as provided in Annex A.

BE IT FURTHER RESOLVED, that the Executive Committee authorizes the Tribal Water Utility and appropriate tribal officials, employees, and agents to take such additional actions and execute such further documents as may be necessary or appropriate to carry out the intent and purposes of this Resolution and the Plan and Program approved hereby.

BE IT FURTHER RESOLVED, that nothing in this Resolution, the Plan and Program, or the implementation or enforcement thereof shall be construed, interpreted, or implied as a waiver of the sovereign immunity of the Iowa Tribe of Kansas and Nebraska, the Executive Committee, the Tribal Water Utility, or any of the Tribe's officers, employees, or agents, and such sovereign immunity is hereby expressly reserved.

BE IT FINALLY RESOLVED, that this Resolution shall take effect immediately upon adoption.

C E R T I F I C A T I O N

The foregoing Resolution was duly adopted on this date, April 15, 2026, in a duly called Regular session of the Executive Committee at which ___ members of the Committee were present, constituting a quorum, by a vote of ___ for, ___ against. Chairperson abstained.

Misty Slater, Chairperson
Iowa Tribe Executive Committee

Attest:

Anthony Fee, Secretary
Iowa Tribe Executive Committee