

RESOLUTION OF THE SUMMIT LAKE PAIUTE COUNCIL
SUMMIT LAKE PAIUTE TRIBE
OF THE
SUMMIT LAKE PAIUTE RESERVATION, NEVADA

RESOLUTION NO.: SL - 36 - 2008

TITLE: Council Action Because of Robyn Burdette's Failure to Pay for Electricity and Failure to Communicate on Proposed Pay Back Agreement

WHEREAS, the Summit Lake Paiute Tribe, is a modern entity of the Northern Paiute People known, in English, as Lake Trout and Wild Onion Eaters who, for thousands of years, controlled 2,800 square miles of land in and around Summit Lake as a tribe with sovereign, unlimited, powers and laws (customs, traditions, usages, etc.); and,

WHEREAS, in 1964, and after much consideration, the members of the Lake Trout and Wild Onion Eaters organized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, adopting, for certain sovereign purposes, the name "Summit Lake Paiute Tribe" with a tribal constitution titled "Articles of Association," the latter which was approved by the Secretary of the U.S. Department of the Interior on January 8, 1965; and,

WHEREAS, over time the members of the Summit Lake Paiute Tribe have regained a small fraction of their historic land base, including the Tribe's reserved lands (Reservation), and the Indian allotments outside the Reservation boundaries; and,

WHEREAS, the Summit Lake Paiute Tribe's Articles of Association grant to the Summit Lake Paiute Council (see Article II, Section 1) certain sovereign powers, including the power to negotiate with federal agencies like the Bureau of Indian Affairs to improve the welfare and education of tribal members (see Article II, Section 1 (b), (k)); and,

WHEREAS, the Tribe has its Utility Regulations, adopted on February 22, 1992 by Council Resolution SL-01-1992; and,

WHEREAS, the Utility Regulations state what the cost per month per tribal member who uses electricity shall be at page 8, Chapter Four (Billing), Section 2, whether the use is at or less than 300 kwh (kilo watt hour) or more than 300 kwh; and,

WHEREAS, the Utility Regulations provide for a "Program for deferred payment of delinquent bill," Chapter Four, Section 7; and,

WHEREAS, tribal member Robyn Burdette has admitted she has not paid for electricity (see Letter, Robyn Burdette to Summit Lake Paiute Tribe, dated July 27, 2008; and,

WHEREAS, the Tribe believes, if Ms. Burdette’s electricity usage was less than 300 kwh per month that she owes the Tribe, including the \$5.00 monthly late fee required by the Utility Regulations, a total of \$468.00 for August 2007 through July 2008; and,

WHEREAS, on July 30, 2008, the Tribe mailed tribal member Robyn Burdette a proposed payback agreement and a copy of the Utility Regulations as she requested; and,

WHEREAS, tribal member Robyn Burdette has not communicated with the Tribe since mailing of the payback agreement and a copy of the Utility Regulations as she requested; and,

WHEREAS, the Utility Regulations provide a means for tribal member Robyn Burdette to resolve a dispute with the Tribe over the charge for electrical service (see Chapter Six), however, she has not done so; and,

WHEREAS, the Utility Regulations set forth the limits on the termination of electrical service (see Chapter Seven (Termination)); and,

WHEREAS, one of the reasons the Tribe may terminate electric service (see Chapter Seven, Section 1) is (see subsection 3) upon the order of the Summit Lake Paiute Council; and,

WHEREAS, the Utility Regulations require notice before electric service may be terminated (see Chapter Seven, Section 2)(a) for nonpayment of a delinquent bill; and,

WHEREAS, the notice required by the Utility Regulations is at least ten (10) days notice “mailed by first class mail to him at his last known mailing address. Service of the notice shall be deemed complete as of the mailing date” (see Chapter Seven, Section 1); and,

WHEREAS, the Utility Regulations require that if the utility receives no response, a second notice shall be delivered to the customer either in person or by posting notice at the main entrance of the service location if no one is home, and that the second notice shall give at least 72 hours notice of service termination (see Chapter Seven, Section 2(a) and (b)),

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NOW THEREFORE, BE IT RESOLVED the Summit Lake Paiute Council hereby directs the Tribe's Acting Administrator to give the required notice(s) of termination of electrical service as set forth in the Utility Regulations effective immediately.

CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby certify that the above Resolution was brought before the Summit Lake Paiute Council at a duly held meeting on the 16th day of August, 2008, with a quorum, with the following votes: 2 FOR, 0 AGAINST; and 1 ABSTAINING, with the Tribal Chairman presiding and not voting, and that this Resolution has not been rescinded, revoked or further amended.

August 16, 2008
Date


Jerri Lynn Barlese
Secretary/Treasurer
Summit Lake Tribal Council