

**SQUAXIN ISLAND TRIBAL  
COUNCIL MEETING  
January 26, 2011**

**Attendance:**

**Tribal Council**

<b>Dave Lopeman</b>	<b>Chairman</b>
<b>Arnold Cooper</b>	<b>Vice Chairman</b> ( <i>arrived at 9:20</i> )
<b>Andy Whitener</b>	<b>Treasurer</b>
<b>Pete Kruger, Sr.</b>	<b>Secretary</b>
<b>Misti Saenz-Garcia</b>	<b>1<sup>st</sup> Council Member</b>
<b>Marcella Castro</b>	<b>2<sup>nd</sup> Council Member</b>
<b>Charlene Krise</b>	<b>3<sup>rd</sup> Council Member</b>

**Legal Counsel**  
**Tribal Administrator**  
**Council Liaison**  
**Recording Secretary**

**Kevin Lyon**  
**Don Whitener**  
**Ray Peters**  
**Melissa Puhn**

Marcella Castro offered the opening prayer. Dave Lopeman called the meeting to order at 9:16 a.m.

**APPROVAL OF AGENDA**

Andy Whitener wanted to schedule a non Council day to discuss NR issues. Council discussed getting away for a couple of days off site. Marcella would like to discuss the bid process for tribal members. Pete Kruger moved to approve the January 26, 2011 Council agenda. Misti Saenz-Garcia seconded the motion. The motion carried five (5) in favor and zero (0) against.

**APPROVAL OF MINUTES**

Pete moved to approve the January 13, 2011 minutes. Glen Parker asked about the ADAGE support letter and if NR is researching the environmental impacts. Andy stated that the Tribe has never endorsed a business before and will not start now. The minutes will be clarified to reflect that the Economic Development Council asked for support for ADAGE, but Council will not endorse them at this time.

Misti asked about the meeting on February 4<sup>th</sup> regarding *Squaxin Island Tribe v. Gregoire*. Andy shared that the Tribe requested that the Department of Ecology close the Johns Creek Basin to new wells because wells pumping groundwater are intercepting that water that should be going to Johns Creek. The diminished flows are harming the fisheries, including coho, chum and steelhead. Ecology denied the Tribe's request to close the basin, and the case is now on appeal in Thurston County Superior Court, Olympia. Kevin would like to have Council and tribal members present for the argument to show the importance of the case. It will be held at 1:30 February 4<sup>th</sup> at the Thurston County Courthouse.

Don Whitener shared that he asked Jeff Peters and Kathy Block to put together a budget for the cemetery. Equipment and a storage shed will be necessary in the future. Cultural Resources staff has spent time at the Shelton Cemetery. The staff has been very helpful in teaching CR and Maintenance important aspects and procedures of a cemetery.

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Arnold Cooper seconded the motion to approve the January 11 Council minutes. The motion carried six (6) in favor and zero (0) against.

### TRAVEL REPORTS AND PLANS

**Jan 30-Feb 4: ATNI Winter Conference**, Mill Casino OR. Andy, Marcella, Pete, Charlene and Ray will attend. Charlene asked if Misti could attend as well. She feels that it would be beneficial for her. Dave stated that would be five council members attending and against the policy of not more than three to attend a conference. Dave doesn't mind that she attends, but it's out of policy to have Council all gone at the same time. Misti will attend as well.

**February 23: Electronic Elections Demonstration**, 10a.m. Council Chambers. Don has scheduled a company called True Ballot who already conducts elections for other Tribes. They will demonstrate a mock election on the 23<sup>rd</sup>. Election committee will be there and anyone else is welcome to sit in.

**Feb 27-Mar 3: NCAI Winter Session**, WA DC. Arnold, Marcella and Ray will attend.

**March 14-17: NTGCR** (National Tribal Gaming Commission/Regulators Conference), Marksville, LA. Misti will attend.

**April 3-6: NIGA**, Phoenix AZ, Andy, Dave may attend also.

**April 17-20: NICWA**, 29<sup>th</sup> Annual Conference, Anchorage AK. Marcella, Charlene and Misti will attend.

**May 2-6: Annual Tribal Self Governance Conference**, Palm Springs CA. Ray, Pete and Misti will attend.

**May 7: Annual General Body Meeting**, LCC. Charlene would like to have a shuttle for the reservation to the events center. The electronic ballot process could be in place by then, if that is a direction that Council wishes to go.

### TRIBAL ADMINISTRATOR UPDATE

**Tribal Gaming Commission request:** TGA Commission Chairwoman Lorna Gouin shared with Council that TGA would like to appoint Glen Parker to the recently vacated ex-officio position. That position was previously held by Cal Peters, and the Commission would like to have Glen in his place. Council stated that they would like to discuss the ex-officio position later in the day.

**Budget Commission:** Don stated that there is an alternate position open on the Budget Commission. He shared the names of three individuals who expressed an interest. Council will discuss this later.

**Pow Wow Budget Update:** Leslie Johnson and Martin Meyers were present. Arnold stated that Council would like to see this budget six months before the event, not one month. Leslie stated that in 2008 the pow wow was re established. They worked hard to come up with a prize level, which has increased. The staffing is standard, as well as the cost for the host drum. Leslie thought that the Tribe would like to "step up" the event; so the host drum she hired has brought in more dancers than ever. The competition is tight since there are many other pow wows during the same time. Charlene stated

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that the casino is willing to absorb additional costs. She believes that in the long run the Tribe really benefits from this event: KTP has increased sales, as well as the Casino and the hotel is 100% booked that weekend. Leslie stated they are expecting donations from Skookum Creek Tobacco, Island Enterprises, Casino and Salish Seafoods. Leslie estimated about 400 in attendance for the meal Friday night.

Charlene asked Leslie to negotiate a lower cost for the assistant emcee. She also asked about the hotel rooms. Leslie stated that in the past they have always provided hotel rooms for pow wow staff. Martin stated that when the Casino hosted the event, there were not much in-kind donations; they were expected but the casino ended up absorbing those costs. Casino staff will be available to help set up and clean up again this year.

Charlene added that since there was such a turnover at the Casino, Tourism stepped up and took over the planning of the event again. She recalls that it was stated the Casino would still be taking the financial responsibility for the event though. Meeting with the Tourism board, Charlene believes that the financial portion is not as bad as it looks, she believes that the casino has this budgeted also. Martin understood that the Casino was going to pay for it, and Leslie would organize it. Andy suggested that Council direct Leslie and Martin to do what is necessary to make the event happen. Martin stated that there was a lot of confusion regarding responsibility. Arnold asked if Council can approve the budget and then have Don work with Leslie and Martin to make it happen. Council directed them to make it happen.

**Fee to Trust Update:** Esther Fox provided an update on the fee to trust status.

Don and Ray discussed the Arcadia property. Arnold inquired about the septic. Ray stated that issue will be fixed with consideration for a new system. In the transition of the title, the septic will be temporarily fixed. Once the application is in place for trust, then they will look in to installing a new system.

Charlene would like to host a community lunch at the Collier House. She also would like to see committee meetings held there, as well as periodic Council meetings.

Council briefly discussed all of the properties/houses; they need to be used and maintained before they deteriorate. Ray suggested that Island Enterprises report on how they manage the properties.

Esther stated that since the newly elected Mason County Commissioner, they have not made any further progress on the road vacations (unused alley ways) that are associated with the Arcadia property. This needs to be included with the fee to trust process.

Esther provided an update on the Shaker Church property as well as the Island sales.

**Emergency Management Grant:** Bridget Ray presented **Resolution #11-04** which authorizes the submission of a grant application to the US Department of Homeland Security to enhance the Emergency Management Program. Charlene asked about John Taylor. Don shared that he now works directly under Public Safety. Charlene is glad to hear that he is still here and likes seeing grants to continue supporting that program. Don shared that the Emergency Management has several aspects, including safety of the Administration Building. John has been working with Directors on inspections. It is difficult to see how the Emergency Management Program benefits the Tribe, because if everything is going well, there is nothing to see. Arnold would like periodic updates to

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Council from John. Marcella added that the Emergency Management program helped pay for flood damage; that program has her full support.

Arnold Cooper moved to approve resolution #11-04. Marcella Castro seconded the motion. The motion carried four (4) in favor and zero (0) against (*Misti was out of the room*).

### TRIBAL LIAISON REPORT

Ray shared a letter from a tribal member. The letter requested that the Tribe start setting aside and freezing geoduck, then use it as gifts for the canoe journey this year. Council was unsure of the feasibility of the request. Arnold suggested t-shirts or bandannas instead. Council felt that geoduck should be saved for 2012.

Andy stated that the request also was to get contracted divers for geoducks and use that to provide funds for shirts to giveaway. It was suggested to use the quota that would be left over due to those who do not pass their dive test; rather than reallocating, use those un-harvested pounds for fundraising.

Ray shared that the coordinator position has been advertised. So far, only three applicants have applied. Arnold felt that the qualifications are too high that nobody will qualify. Charlene added that Squaxin has some highly qualified tribal members who are capable, if they could be partnered with someone who has experience in this. She sees many applicants who appear qualified on paper, but in reality they are unable to put up with the pressure. She would like to meet with Ray and Kathy to discuss the job description. Arnold would like periodic updates on the planning. He hopes that the coordinator has experience of participating in the Journeys. Charlene would like to see a Squaxin tribal member hired and then paired with a budget expert and a technology expert as support staff.

Charlene handed out the hosting responsibility list from the Suquamish Tribe. It provided a brief description of what Squaxin will be looking at. The biggest concern is food and gifts.

**Shaker Church update:** Ray was asked to reach out to the Bishop regarding the list of requests from the Church. Ray explained that when the Bishop met with Council previously, the Church got the impression that Council was willing to pay for a new roof and gravel. Ray told the Bishop that there was no formal approval for any commitment from Council. The only obligation that Council has committed to is to assist in getting their property in to trust status. Arnold would like to discuss what the Tribe is willing to contribute. Ray suggested that a response letter be drafted summarizing the Council's commitments. As of now, the only commitment is that the Tribe will assist the Church in getting their property in to trust status in order to ease the burden for the Church. Ray suggested another meeting with them to clarify any misconceptions and to share the intention of the Tribe. Andy would like to see a budget of what has been spent to date, including the attorney's time. He would like the Church to be aware of the time and revenue already spent. With Council approval Ray will respond via letter to the Shaker Church Bishop.

Ray gave a quick update from the meeting he had with Don, Dave and the Arcadia neighbors. Executive Session. No action.

Ray shared that he was approached by a tribal member who is planning on paving their driveway. The tribal member would like permission to use the tribal logo concrete press for his driveway. He will be asking the elders, but wanted to let Council know also.

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Ray reported that the Tribe is going through the USDA loan process to finance the new building for Natural Resources. He stated that a commitment from Council is needed to service that debt. The project will be on hold until a financial allocation is made. Council will need to allocate around \$550,000/year to service the debt. If Council supports the allocation then they will move forward with the financing. Council discussed financing and the budget for that building. Council directed Ray to move forward and get the financing in place.

Don mentioned that there are surplus mobile homes available in Arkansas. Dave would like to have someone look in to how to get them up here and how to use them.

### LEGAL

Kevin shared that on February 4<sup>th</sup> there will be three legal proceedings. He encouraged Council and employees to attend the Johns Creek Case which will be held at the Thurston County Court House. Squaxin presence will help show the judge how important this case is to the Tribe.

Kevin shared that Legal is working on a Department of Corrections handbook for families with incarcerated family members.

February 21-22 Legal has scheduled a two hour briefing to discuss the fisheries U & A. The first day Kevin is planning to meet and discuss with Tribal Council. The second day he is planning a breakfast and inviting tribal elders to share their recollection on the U & A.

Kevin presented **Resolution #11-05**. The Casino has negotiated the terms and financing master lease with PNC Equipment Leasing LLC in order to obtain necessary equipment to maintain and operate the golf course. This resolution authorizes the Casino, LCOB and Mitch Corbine to enter in to a master lease, rental schedules and related documents with PNC Equipment Leasing LLC. Council specifically limits its authorization of the Casino's waiver of sovereign immunity. Andy Whitener moved to approve resolution #11-05. Arnold Cooper seconded the motion. The motion carried five (5) in favor and zero (0) against (*Misti was out of the room*).

Kevin presented **Resolution #11-06** which authorizes Chairman Lopeman to execute a Boundary Line Adjustment and any related documents. A survey done by Pacific Survey & Engineering has determined that the property line between two properties, one owned by the Tribe, is ambiguous. The resolution and its attached boundary line agreement would be in the best interest of the Tribe to resolve, clarify and establish a real property line between the two pieces. Andy Whitener moved to approve Resolution #11-06. Arnold Cooper seconded the motion. The motion carried six (6) in favor and zero (0) against.

Council went in to Executive Session to discuss the Personnel Committee. No action taken.

Kevin handed out a draft report provided by the auditors from the external audit. Council went in to Executive Session to discuss. No action taken.

Council discussed a Grays Harbor County court case. Executive Session. No action taken.

Council discussed shellfish growers. Legal went through every parcel south of the Narrows that pertains to the Nisqually Reach Issues. Kevin has planned a discussion with Council on February 21<sup>st</sup>

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from 9am – 11am in the Council Lounge. February 22<sup>nd</sup> there will be a breakfast meeting at the Business Development Center for this topic. Legal will invite Council, Natural Resources and tribal elders to share their recollection.

Kevin brought up the appointments for the Budget and Gaming Commissions. He also added that two appointments for the Personnel Committee are needed. There are two members who cannot serve on an upcoming grievance; he would like to see two alternates appointed. Council discussed the names that were suggested. Don felt that Council should revisit the functions of each committee and commissions. This will be done at work session. Kevin will get additional names for the Personnel Committee and a phone poll can be conducted next week.

Andy brought up that Natural Resources would like a couple of days to discuss some issues.

Council would like to revisit the “parking lot,” as well as discuss Legal issues.

Council discussed doing away with the ex-officio position on the Gaming Commission. Kevin will review the bylaws and will bring that back if necessary.

Council decided that they will have a Work Session at Suquamish, March 8-10<sup>th</sup>. March 10<sup>th</sup> will be a regular Council meeting, at Suquamish.

Don presented **Resolution #11-07** which appoints the Director of Operations as an alternate to the SPIPA Board. Misti Saenz-Garcia moved to approve the resolution. Arnold Cooper seconded the motion. The motion carried six (6) in favor and zero (0) against.

Kevin will look in to the Tribal Preference Policy for construction bidding process for tribal members, and will report back at the next meeting.

Council went in to executive session to discuss a rental. Council would like Island Enterprises take care of the issue.

Council would like to give an \$80 stipend to Ray Krise for speaking at an upcoming funeral.

Marcella asked about the Council travel budget. She does not remember approving the split (*at the beginning of the fiscal year, the Council travel budget was divided equally amongst the seven members*). Don stated that the travel budget is not concrete and modifications can always be done if necessary. Charlene would like to discuss this at the work session.

There being no further business, the meeting adjourned at 3:40 p.m.