

**SQUAXIN ISLAND TRIBAL
COUNCIL MEETING
February 13, 2014**

Attendance:

Tribal Council

**Dave Lopeman
Arnold Cooper
Andy Whitener
Pete Kruger, Sr.
Ray Peters
Jim Peters
Vince Henry, Sr.**

**Chairman
Vice Chairman (*absent*)
Treasurer
Secretary
1st Council Member
2nd Council Member
3rd Council Member**

**Legal Counsel
Tribal Administrator
Recording Secretary**

**Kevin Lyon
Don Whitener
Melissa Puhn**

Pete Kruger offered the opening prayer.

Dave Lopeman called the meeting to order at 9:00 a.m.

APPROVAL OF AGENDA

Andy would like to discuss the Terminal Allocation Plan, compact negotiations. Jim would like to give an update on fish consumption. Andy moved to approve the February 13th Council Agenda. Vince Henry seconded the motion. The motion carried five (5) in favor and zero (0) against.

Jim Peters moved to approve the January 23, 2014 Council Minutes. Vince seconded the motion. The motion carried five (5) in favor and zero (0) against.

TRAVEL REPORTS AND PLANS

February 14-16: Sa-Heh-Wa-Mish Days Pow Wow, 5pm Cultural Dinner on Friday. 1pm Grand Entry on Saturday.

February 16-21: ATNI, Lummi. Pete, Jim and Arnold will attend. Andy may attend for a day only.

TGA Work Session, Feb 16-21, Snoqualmie, Ray will attend.

March 5: NRCR Building Blessing, 11am

March 11-13: NCAI Winter Session, Washington DC. Ray, Jim & Arnold

May 3: 2014 General Body Meeting, LCCR Event Center.

Dave would like to discuss the 2014 Council Work Session at the end of the day.

TRIBAL ADMINISTRATOR UPDATE

Don shared that there is carved pole that was installed by the pond, before canoe journey. The pole was carved by Mike Krise and was gifted to Charlene Krise. Charlene sold it to the tribe and in the shuffle, it was never paid for. Council agreed to pay \$2,500 to Charlene for the carving.

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Operations Director Update: Kathy Block reported on the status of the Emergency Assistance Program that Council has in place. She shared the success that particular program has had, and some of the recent cases that came up. Kathy would like to do some minor modifications to this policy in order to help cover medical emergencies like the recent few that came up. TANF could assist with many of these cases also. Kathy is asking if she can tweak the policy for the medical cases, and she would work with tribal members instead of tribal members approaching Council. Kathy will check with Dave if any costs exceed the policy amount. Council approved Kathy to modify the policy giving her the discretion to make decisions.

Ray commented that with the most recent tribal medical request, he feels that in the future Council should refer those members' requests to Kathy since there is a process in place. That would make these situations more simple and consistent.

MBR Report: Rich Wells, Kevin Dragon, Kevin Harper and Dan Neelands were present. Rich asked Council if they have any specific questions regarding the system. Ray asked why a portion of the system was never hooked up, he also would like to see a plan to use the Tribes property for discharging, instead of paying to haul the waste away. He feels that we have vacant property that could be used, since the waste is clean. Ray also would like to see the "dryer" utilized. Vince would like an update on the grease trap at the Casino.

Rich shared that the system is a four step process: collection and transmission, then it goes through the grease traps and screens, then it all gets treated (aeration, membrane, UV and treatment) and the fourth step is disposal. A lot of the water is dispersed on the golf course and the solids are hauled away. Operation and maintenance of the system is quite a bit since its running 24/7.

Kevin Harper explained the dryer and how it works. Kevin Dragon shared that they hired a contract engineer who went through the plant and cataloged several improvements in a report and highlighted immediate needs.

Don would like to discuss the capacity also. Kevin Dragon reported that the plant is rated for 200,000 gallons/day total flow. The system should only run at 80% in order to allow capacity for maintenance and safety. That leaves 160,000 gallons/day. On average the system sees 120,000 gallons/day. During heavy rains they see a lot of ground saturation that reduces the capacity since it increases flow. On a peak day, they have seen it run 160,000 gallons.

Included in the study that was done, they looked at the inflow and infiltration. This is the storm water that seeps into the system through cracks and holes. They will look at the inflow and try and stop it, one way is resurfacing the roads and raising the manhole covers so they are not below the road surface. They will run a camera through the pipes and find other areas where water is seeping in. Storm water and groundwater need to stay out of the system. Fixing many small areas will make a large impact on the capacity. In order to get the system upgraded to where it should be, would cost approximately 1.4 million.

Kevin Dragon brought up the future expansions of IEI and LCC; the plant will need to be expanded to accommodate that expansion and will cost another three million.

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The recommendation is that it is time to increase capacity of the system. Kevin Dragon has a prioritized list of maintenance issues that need to be taken care of. The Budget Commission has approved \$300k to start some of the improvements. Next year they will ask for additional funds.

Ray added that IEI and LCC should share some of the cost of expansion, since they are supported by this system also. Kathy added that they should share some of the maintenance cost as well.

Kevin Dragon shared that IHS has provided funding to study the system, so they will know the cost of operation and how to hand those costs.

Kevin Harper explained that the “dryer” is more of a “de-watering” system that was never completely finished. The system makes a cake out of the solids, then it is hauled away. It was operational but it broke. They do not have the ability to fix it as of now.

Kevin Dragon will provide the list of improvements to Council.

Kevin Dragon explained that the grease trap is in an area that the Casino can cover. He will meet with Michael and their engineer to discuss the grease trap and its location. They need to address the storm water issues before the grease trap improvements are made, otherwise it won't work like it needs to.

Kevin Dragon moved on to the tribe's water system. He stated that the well is near capacity and a water system expansion will need to be looked at soon.

Council thanked them for coming in. Kevin stated that if Council has specific questions, let him know.

LEGAL

Kevin Lyon handed out the audited financial statements for LCCR ending 9/30/13 and focused discussion on long-term debt, intra-tribal transfers, and cash-flow notes in the financial statements. He also discussed the limitations within finance to deliver on-time, complete and accurate reports and the adverse effect on the ability to make sound decisions.

Kevin would like to have Moss Adams come in to Council in March for introductions and to meet its obligations to confer with the decision-makers - the Tribal Council.

Kevin discussed treaty rights related-income and the proposed federal initiative that would allow exempt income to be used in federal retirement programs. Informative information only. Kevin revisited related concerns regarding claims for exemption and discussed the 2011 effort to develop a metric for use in claiming exemptions. Council directed that Kathy Block renew efforts to complete that task.

Kevin shared that David Babcock will be speaking at an ICW Panel at the Seattle Conference in March.

David presented **Resolution #14-04** which approves the Agreement for Detention of Squaxin Island Juveniles in Mason County Juvenile Detention Center. Currently, the Tribe uses Chehalis Center, which creates a burden on transportation. The Agreement includes a limited waiver of sovereign immunity; the exposure is limited to Squaxin being responsible for Squaxin's behavior. Jim Peters moved to approve the agreement resolution. Pete Kruger seconded the motion. The motion carried four (4) in favor and zero (0) against (*Andy was out of the room*).

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Dave Babcock brought up the MOU between Grays Harbor, Lewis, Thurston and Pacific Counties for emergency disaster procedures. This MOU is not legally binding, and has no waiver of sovereign immunity. This MOU provides Squaxin the ability to participate with tribes and counties health jurisdictions for sharing staff during a broad public disaster. **Resolution #14-05** authorizes Bonnie Sanchez to sign on behalf of the Tribe. Jim moved to approve the resolution, for asked that John Taylor be involved as well. Pete seconded the motion. The motion carried four (4) in favor and zero (0) against (*Andy was out of the room*).

Kevin presented **Resolution #14-06** which approves the contract with MGT for kiosks and hardware at the Casino. This resolution includes a limited waiver of sovereign immunity and was reviewed and recommended by Legal. Jim moved to approve. Pete seconded the motion. The motion carried four (4) in favor and zero (0) against (*Andy was out of the room*).

Kevin handed out **Resolution #14-07** which refers to Resolution #14-03 and the authorization to execute a lease between the Tribe and NGL Supply Terminal. Tribal Council directed that the lease be submitted to BIA for approval. Under BIA regulations, a third party evaluation is required for lease approval unless the Tribe affirmatively asserts the valuation is in its best interest. Resolution #14-07 states that the valuation is in best interest of the Tribe. Ray Peters moved to approve Resolution #14-07. Jim seconded the motion. The motion carried four (4) in favor and zero (0) against (*Andy was out of the room*).

Kevin returned with the tentatively approved Resolution #14-02 regarding at-will employees and the elimination of the grievance process at the Little Creek Casino for at-will dismissals. Kevin explained that with how the policy was written (per #14-02) if a Casino employee is terminated for at-will purposes, they cannot take their case to court. If an employee is terminated for cause then they can take their grievance to court. The practice at the casino, however, is not to terminate a tribal employee for at-will reasons. Rather, if a tribal employee is terminated, it is for-cause only.

Ray shared his concern about tribal employees not having the opportunity to grieve, they will come to Council. He feels there needs to be a way for tribal employees to have due process. Ray suggested that allowing an at-will terminated employee to grieve will provide an opportunity to find any mis-guidance.

The hybrid position of revised Resolution #14-08 would allow for a grievance for an at-will termination to be heard at the administrative level but would not allow for an appeal to the Tribal Court. Thus, if the disciplinary action being grieved was the employee's status as an employee at will, the Grievance Committee's decision would be final and binding and not subject to appeal to the Squaxin Island Tribal Court. In all other cases, the grievant or SIGE may seek review of a final decision of the Grievance Committee, subject to certain limitations.

Then Kevin presented **Resolution #14-08** which rescinds Resolution #14-02 and adopts the changes to the Squaxin Island Gaming Enterprise Employee Handbook as described above (including the hybrid discussed above and the previously approved edits) and attached to the resolution. Jim moved to approve the resolution. Vince seconded the motion. The motion carried four (4) in favor and zero (0) against (*Andy was out of the room*).

Sharon Haensly presented **Resolution #14-09** which authorizes the Tribe to purchase a boathouse at the Shelton Marina. The boathouse will be used as a garage for the shellfish flupsy. Jim moved to approve the resolution. Andy seconded the motion. The motion carried four (4) in favor and zero (0) against (*Ray was out of the room*).

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Council work session will be held the week of April 21st and venues will be researched for availability.

There being no further business, the meeting adjourned.