

**SQUAXIN ISLAND TRIBAL  
COUNCIL MEETING  
September 11, 2014**

**Attendance:**

**Tribal Council**

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

**Chairman** (*arrived at 9:25 a.m.*)  
**Vice Chairman**  
**Treasurer** (*left at 10:30*)  
**Secretary**  
**1<sup>st</sup> Council Member** (*arrived at 9:20 a.m.*)  
**2<sup>nd</sup> Council Member**  
**3<sup>rd</sup> Council Member**

**Legal Counsel**

**Sharon Haensly  
Kevin Lyon  
Don Whitener  
Melissa Puhn**

**Tribal Administrator  
Recording Secretary**

Pete Kruger offered the opening prayer. Arnold Cooper called the meeting to order at 9:10 a.m.

**APPROVAL OF AGENDA**

Jim Peters added a Fish Consumption Update. Vince Henry moved to approve the September 11<sup>th</sup> Council agenda. Andy Whitener seconded the motion. The motion carried four (4) in favor and zero (0) against (*Dave Lopeman and Whitney Jones had not yet arrived*).

**APPROVAL OF MINUTES**

Andy moved to approve the August 28, 2014 Council Minutes. Pete seconded the motion. The motion carried four (4) in favor and zero (0) against (*Dave Lopeman and Whitney Jones had not yet arrived*).

**TRAVEL REPORTS AND PLANS**

**September 15: Talking Circle**, 4:30, Community Kitchen.

**September 16: Council Meeting**, 10am, Alderbrook.

**September 19: Squaxin Staff Appreciation Dinner**, LCC Events Center.

**September 20: MLRC Art Auction**, Council has two tables.

**September 22-23: NAFOA Economic Development**, San Diego. Whitney and Ray will attend.

**September 21-26: ATNI**, Pendleton. Andy and Pete will attend.

**September 30-October 2: Global Gaming Expo**, Las Vegas. Andy and Ray will attend.

**October 13-17: Native American Fish & Wildlife**, Coeur d'Alene, Pete and Arnold will attend.

**October 26-31: NCAI**, Atlanta GA. Andy, Whitney and Ray will attend.

**November 5-6: Tribal DNR Summit**, Swinomish. Jim will not be able to make the meeting, but will meet with those who are attending to share his information. Andy, Arnold and Pete will attend.

**TRIBAL CHAIRMAN UPDATE**

Council decided on October 20<sup>th</sup> to have a dinner meeting with the Olympia City Council. It will be at 6:00 p.m. at the Little Creek Casino.

## SQUAXIN ISLAND TRIBAL COUNCIL MEETING

Previously, Council agreed to sponsor 30 Tribal Members to attend the Northwest Native American Basketweavers Conference, October 3-4<sup>th</sup> at Little Creek Casino. Council decided to sponsor everyone who signed up (a total of 34).

Council discussed the email from Misti Saenz-Garcia asking for a donation towards a guest speaker at the Suicide Prevention Dinner she would like to host. Council decided to donate the same as they did last year (*Upon researching, last year Council donated a Pendleton Blanket. Since Misti was asking for funds to help pay the guest speaker, Council later decided to donate \$500. The event eventually was cancelled, and no donation was made.*)

### SHAKER CHURCH

Rose and Mike Davis were present. Rose shared that the last time they were at Council, she was unaware that the Bishop would be present. Mike stated that he will inquire with Simpson Lumber to see about a lumber donation for their caretakers house. They plan on building the house themselves with volunteers. They looked at a modular house, and they estimated it would be about \$40k. Jim asked them to keep Council up to date. Don reiterated that they were unaware the Bishop was going to be present at the last meeting.

Jim stated that if they decide to get a modular, he wants to make sure its not just a money pit. He would like to make sure they project is done right. Jim is supportive of this, he just wants to make sure it's a quality place and done right. Arnold is also concerned about it being the "Mother Church," if the Board changes what decisions will also change if they get a new Bishop.

### TRIBAL ADMINISTRATOR UPDATE

Deb Stoehr presented a memo regarding the debt swap between the Tribe and the Casino, which was decided at a previous meeting. The result of this exchange has created a need to replace funds.

Deb proposed two ideas. The first idea is having the Tribal Government transfer funds back to the Permanent Trust over a period of fifteen years, this would be an interest free option.

The second idea is the Tribal Government can replace the payments to the LCCR with payments to the Permanent Trust and follow the original schedule.

Council liked the second option and continuing to pay the same amount, except applying all funds towards the principal with no interest charge.

**Resolutions:** Jim Peters moved to approve two resolutions: **#14-65** which appoints Sally Brownfield as the Squaxin Representative to the Tribal Leaders Congress of Education and **#14-66** which appoints Sally Brownfield as the Squaxin Representative on the Department of Early Learning's Indian Policy Early Learning Committee (IPEL). Andy Whitener seconded the motion. The motion carried six (6) in favor and zero (0) against.

### LITTLE CREEK CASINO

Michael Starr came in for a brief Executive Session. No Action.

Andy left at 10:30.

## SQUAXIN ISLAND TRIBAL COUNCIL MEETING

### TRIBAL LIAISON UPDATE

Ray handed out the Land Buy-Back information as well as the letter that will be sent to all interest land owners. He has been working with Esther Fox regarding information sessions with the BIA and landowners on the Buy-Back Program.

Ray toured the McDonald land trust property earlier this week. Ray will have the SIT maps available at the next Council Meeting.

### LEGAL

Kevin shared that he has three items: first is the proposal to send a letter to IRS on their per capita taxation program. Trust dollars are exempt from tax. Legal is working on having the IRS clarify their guidelines.

Kevin discussed the Assistance Based on Need (formerly known as per capita) distribution, and maybe offer a service in lieu of ABON. Services that are not taxable, where ABON distribution can be paid into, and distributed such as food vouchers or housing assistance.

### SOLID WASTE / PLANNING

Sheena Kaas, Sharon Haensly and Margaret Foley were present. Sheena stated that she has developed a Solid Waste Code that would meet the needs of the tribe. It prohibits disposing waste on any tribal lands. It also sets guidelines for waste reduction and provides enforcement which will be conducted through DCD. The department will bring in help from Law Enforcement and Housing. As developed, they had input from Law Enforcement, Natural Resources, Legal, Housing and Executive. Any enforcement will be done informally whenever possible. The purpose of the code is to enforce all houses on the reservation to keep their properties clean. Housing is able to enforce homes that are leased and not conveyed homes as of now. This would apply to all homes, even conveyed. This also applies to dumping garbage, including non-tribal members. Specifically, the code prohibits disposing waste and storing waste that can be spread by wind and rodents.

Arnold asked about the timeframe on allowing this, since many tribal members do not have the money to dispose of things and clean their yard. Sheena stated that this will be effective six months from now. Sheena stated that most items can be removed for free. The Housing Code already addresses this, but it only applies to rental units. This code will apply to conveyed homes. Arnold would like to review this before they just pass it. He'd like to have them come back to the next meeting for approval. Dave suggested she bring this up at the Talking Circle. Jim asked what the extra work load can be for enforcement or housing. Who will be doing the cleanup? Jim would like to see the added cost of this. He knows Housing will provide service on removing old cars and appliances. Vince said maintenance picks up appliances. They will return at the next meeting for approval.

### TRIBAL MEMBER REQUEST

Jeremie Walls was present. He thanked for Council for their time. He would like to see a Tribal TERO Ordinance. According to Jeremie, Squaxin is the only tribe in the South Sound that does not have TERO. His business as a tribal contractor, does not have protection. The tribe has a tribal preference, but not a Squaxin preference. He does not get as many jobs here, especially from Housing. He shared that he is losing a lot of money by not getting tribal jobs. He finally has a contract with the tribe, after a

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year and a half of trying. He doesn't know why he's not getting work. He thinks the tribe needs to protect tribal people, there needs to be a Squaxin preference for contractors. With a TERO Program it would give a pool of applicants that he can draw from. He would like to see Council really look at that.

Kathy Block stated that Council had recently discussed the TERO Ordinance and discussed TERO versus the Indian Preference policy. She stated that Squaxin gives preference, but all projects are competitively bid. If the tribal members bid is not the lowest bid, they have the opportunity to come down on their bid. Ray added that he would like to see a Squaxin preference added to the preference policy. Jeremie shared that he's lost bids to other Indian contractors, by less than 5% difference on their bids. He's been told by many directors that Squaxin does not want a TERO office.

Jim stated that this might not need an overhaul of the whole policy, but more of consistency for tribal contracts and allowing the option for matching the lowest bid. Misti Saenz-Garcia was present and added that when she does bids with other tribes, she has the option to always match the lowest bid.

Council will look in to it. Jeremie just wants to make sure that Squaxin has preference.

Kathy brought up the TERO discussion from the last meeting. She stated that in the federal government they were not allowed to use tribal preference for federal contracts. A lot of tribes have TERO offices set up and the perception is that it promotes fairness, but it can also cause a lot of delays in the process. It also is costly since it needs staffing in order to maintain the program. Davis Bacon wages only apply to federal funded projects. Kathy would hate to see this tribe get slowed down by TERO. She would rather work with Legal to look in to tribal preference or Squaxin preference. Jim stated that there was a conscience decision by Council to pull out of TERO years ago. Ray stated that as a tribe we can do Squaxin preference on projects, but not federally funded projects. The notification is a piece that needs to be embraced. Kathy added that the Indian Preference does allow Squaxin preference under Self-Governance. That does not necessarily apply to federal awards. It's something worth looking in to. Kathy added that DCD needs to make sure all tribal and Squaxin contractors are notified when proposals go out. If they are not, that needs to be fixed. Don asked Kathy to look in to the Housing awards that were made within the last year. He added that Jeremie is correct, he missed out on a lot of bids because he bids high. If he comes in at a price that was not reasonable, they move on to the next price. Kathy stated that Jeremie has improved and has started bidding lower.

If Rich can verify that everything was followed, do we notify tribal contractors that they were not in the range to bid? Kathy asked Rich to look at the record to make sure all went as said.

Rich stated that we have Indian preference, and Jeremie is getting beat out by other Indian contractors. Jeremie wants Squaxin preference. If he's beat out by another native bid, he needs the opportunity to lower his bid. As of now, there is not specific tribal preference. That is the issue. Does the preference need to be changed to Squaxin preference? Kathy would have to ask legal if we can do Squaxin preference, and if we can do that with federal funded projects. Arnold would like Kathy and Rich and Legal to get together and discuss this. Work it out and bring it back to Council.

Kevin stated that there was a case in 2003 with the Equal Opportunity for tribal preference. Ever since tribes have been challenged with creating tribal vs Indian preference. Legal is happy to work with Kathy and Rich.

Dave asked if the tribe can make a standing rule: can Squaxin contractors get a second opportunity to match the lowest bid? Kevin stated that the violation is when it's based on Squaxin, but if a bid was

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adjusted, there is no issues there using the revised bid. Dave would like to see that, it would be a simple fix. Ray stated all tribal companies should be on a list and they should be notified first. DCD maintains a list of contractors.

Jim asked if they can look at the system other tribes have. Jim has talked with a few other tribes about this, they've gone away from TERO but has similar ordinance. Kathy said not all TERO are the same, each tribe writes their own TERO. The tribe doesn't want to be an employment office for tribal contractors. Legal will work with Rich and Kathy.

### LEGAL

Kevin said they are getting close to negotiations for the gaming compact. Asking Council to authorize Andy to sign as long it's within the guidelines of the negotiation. Council said okay.

In conversation with the state to advance the proposal. Discussed the negotiations. No changes in the fundamentals. Looking at January for the final decision. Request is to have Andy have authority if it stays within the contours Council said yes. Jim asked if during the process going through the legislatures, is there an opportunity for it be denied at the legislature level. No.

**Hearth Act Resolution:** Kevin explained that right now if the tribe wishes to lease land, the tribe goes to the BIA to get their approval of the tribes lease. The tribe has to demonstrate that the property is rented at fair market value. It's been this way for several years. This is a difficult process since it requires attention and time. Kevin predicts on the horizon that there will be some leasing renewals that will have to go through the BIA again. The Hearth Act allows the tribe to take responsibility to manage the lease. Council asked, what kind of work load this requires of staff. Kevin stated that staff develop leases and Legal reviews then comes to Council for approval. No changes. The only thing missing is sending it to the BIA for approval. Jim moved to approve **Resolution #14-67** adopting the Business Lease Ordinance. Whitney seconded the motion. The motion carried five (5) in favor and zero (0) against.

Kevin discussed the DNR hunting issue. Extensive discussion about DNR opening a few gates in the Capital Forest area as a trial for this hunting season.

There being no further business, the meeting adjourned at noon.