

**SQUAXIN ISLAND TRIBAL  
COUNCIL MEETING  
October 22, 2009**

**Attendance:**

**Tribal Council**

<b>Dave Lopeman</b>	<b>Chairman</b>
<b>Arnold Cooper</b>	<b>Vice Chairman</b> ( <i>arrived at 11am</i> )
<b>Andy Whitener</b>	<b>Treasurer</b>
<b>Pete Kruger, Sr.</b>	<b>Secretary</b> ( <i>arrived at 3:15-5:32</i> )
<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> ( <i>travel</i> )
<b>Charlene Krise</b>	<b>3<sup>rd</sup> Council Member</b>

**Legal Counsel**  
**Executive Director**  
**Deputy Director**  
**Recording Secretary**

**Kevin Lyon**  
**Ray Peters** (*annual leave*)  
**Whitney Jones**  
**Melissa Puhn**

Dave Lopeman called the meeting to order at 9:18 a.m. Misti Saenz-Garcia offered the opening prayer.

**APPROVAL OF MINUTES**

Andy Whitener made the motion to table the September 24<sup>th</sup> and October 8<sup>th</sup> Council Minutes. Charlene Krise seconded the motion. The motion carried.

**TRAVEL REPORTS AND PLANS**

**October 17-23: Native American Fish & Wildlife Regional Meeting**, Reno. Pete is attending.

**October 22-25: NIEA Annual Convention**, Milwaukee, WI. Marcella will attend.

**October 24: Kinship Conference**, LCC. Misti will attend and provide opening remarks.

**October 26: Dinner with the Olympia City Council**, Grand Ballroom, 6pm. Whitney handed out agenda items for discussion. Anything else Council would like to add just let Whitney know.

**October 26-28: LCCR CEO Interviews**

**October 30: All Staff Meeting**, Progressive Lunch, noon

**November 1-6: Washington DC**, Dave, Arnold, Ray, Bobby will attend.

**November 6: Corrections/Tribal Summit**, Charlene will attend.

Dave shared that while he was in Canada he met a tribal member who carves staffs and incorporates eagle feathers on it. He sells them for \$1,000 each. Council would like to buy two; one for the Veterans Committee and one for Council.

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**November 6: Native American Veterans Day Celebration.** The Veterans will be hosting a celebration in the Elders lunchroom at 1:00. Glen Parker suggested that next year the Council honor the Veterans Committee with an appreciation gift. Previously Anne had suggested gifting each member with a beaded eagle feather.

Glen provided contact information to a Native Veteran Representative in Fort Lewis. Glen will no longer be the Veteran point of contact for the tribe.

Glen requested to see the Council Minutes better reflect the actions of Council; including the meetings held regarding casino related issues.

**November 12: Volunteer Appreciation Dinner,** Little Creek Events Center at 5pm. Council would like to send the invitation in the bulk mail. Council suggested lasagna for dinner.

**November 14: SPIPA Annual Art Auction,** Lucky Eagle Casino. Council agreed to purchase 20 tickets this year and will allocate \$1,000 for bidding. Misti stated that she would like to bid.

**November 17-19: G2E Global Gaming Expo,** Las Vegas. Andy and Misti will attend.

**November 17-18: 11<sup>th</sup> Annual Native American Leadership Conference & Enrollment Conference,** Hollywood, FL. Marcella will attend.

**November 20: Talking Circle,** 5:00 p.m. in Council Chambers.

**November 21: Potlatch Gala,** 5:30 p.m. at the Grand Hyatt in Seattle. Council has four tickets and Charlene Krise, Jeremiah George, Liz Yeahquo and Mandy McCullough will attend.

### EXECUTIVE DIRECTOR UPDATE

**Per Capita:** Council decided on December 3<sup>rd</sup> as the distribution date. Per capita checks will be \$1,000 for adults and \$500 will be given to youth with the balance going in to their account.

**Medical coverage for tribal members:** At the request of Council, Whitney provided an update from the last meeting regarding the option of medical coverage for tribal members. Whitney has spoke with Pequot and they provided an estimate of about \$470/month for about 92 tribal members (this is the number of uninsured local tribal members), totaling \$519,000/year. In addition to this plan Pequot has a self insured plan that could cover all non insured tribal members as well as tribal employees; the cost of this plan is much higher than the current plan in place for employees (Group Health). Misti would like to see more in-depth detail of coverage. Whitney asked who should be insured by the tribe: those in the local area, those in the state, all tribal members, etc. Charlene would like to see the “high risk” tribal members covered such as the natural resources harvesters. Whitney shared that the clinic is working in enrolling eligible tribal members with basic health. Misti asked about Blue Shield, who the casino recently shifted its employee coverage to. Misti would like to see the tribal government work with the Casino and see about the coverage they have. Whitney will continue working on this.

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**DSHS Secretary Visit:** The date Council chose at the last meeting will not work for the DSHS Secretary. Council decided that December 3<sup>rd</sup> would work and December 11<sup>th</sup> would be their second choice.

**Job Ready Update:** The draft program was provided for Councils review. This program is ready to start and can get tribal members in need working with a day or two.

### ENROLLMENT

The Enrollment Committee: Tammy Ford, Diane Stymacks, Vicky Kruger, Paula Henry, Margaret Henry, Joanne Decicio and Attorney Sharon Haensly presented the draft Enrollment Ordinance.

*Arnold Cooper arrived at 11:00 a.m.*

Sharon stated that the committee has worked hard to create this ordinance; they attended an Enrollment Training Conference and it really helped create the ordinance.

Sharon went over the key features of the code. The legal department has reviewed about ten other tribal enrollment codes. After much revision by the committee the code was then reviewed by the BIA's Pat Rudd and attorney Brenda Brainard who teaches enrollment seminars.

The ordinance describes the duties and powers of the Enrollment Officer, Enrollment Committee and Tribal Council. Tribal Council makes final, non-appealable decisions on enrollment matters, after receiving recommendations from Enrollment Officer and Committee. The ordinance has strict guidelines for consistency and fair decisions. DNA testing is included and will be required for all applicants. The tribe will assume the cost, and will be reimbursed out of per capita payments. The ordinance has strict confidentiality rules to protect privacy. Enrollment files are non-public records as are the minutes of the Enrollment Committee Meetings. Enrollment Committee meetings and hearings, and Council meetings on a specific person's enrollment, will be closed to the public. A "Descendency List" will be created to keep track of potential future enrollees if the Constitution's membership requirements are changed. The ordinance will prohibit disenrollment for any members listed on the supplemental roll as of the effective date of the ordinance, except for specific pending investigations.

Sharon provided a flow chart outlining the entire enrollment process and disenrollment process. She also provided the committee by-laws for approval. The committee is in agreement with the ordinance and committee by-laws.

The committee requested that Council take time to review the ordinance before adopting it. Tammy stated that a draft ordinance was provided at the general body meeting. An updated ordinance will be provided at the mid-year meeting in January. Council suggested sending out a public notice explaining the creating of the ordinance and offer time for review and comment. Tammy will provide copies for anyone interested in reviewing; she then will present the ordinance and by-laws at the next Council meeting for approval.

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**Drug Policy:** Mark Allen handed out one section (consequence of a positive test result) to the new campus wide drug policy that was approved August 13, resolution #09-77. Mark provided this section as a review of what was approved.

Andy asked if there is a conflict of interest with the person (NWITC) doing the testing also being the person doing the assessing and treatment. Also he asked who will test the tester. Kevin would like to hear from June how the three functions (testing, assessing and treating) are segregated within the NWITC.

Kevin briefed on the consequences of a positive test result. Mark explained the Continued Employment Plan.

Dave would like the policy to be equal amongst all entities; tribal government, Island Enterprises and the Casino. At this time the handbooks are different in regards to the consequences of a positive test result.

Misti Saenz-Garcia moved to approve to adopt the policy minimums campus wide including all entities. Arnold Cooper seconded the motion. The motion carried three (3) for, zero (0) against and one (1) abstained.

Mark suggested that he will move forward with the policy and prepare a final copy for Council approval.

### **EXECUTIVE DIRECTOR UPDATE**

Whitney provided two necklaces that Roy Perez would like to sell to Council. Council agreed to purchase the black bolo for \$200 and the necklace/earring set for \$120.

Whitney provided an updated for the Child Development Center. There are two vacancies on the CDC Board. Council agreed by consensus to appoint Sally Brownfield and Wicket McFarland to the board.

Charlene asked swine flu shot. Whitney shared that the shots have been dispensed already but the mist is still available. A waiting list is being developed for the shot when more comes in.

### **LITTLE CREEK CASINO**

Joe Calabrese, Mike Peters, Mark West and Cameron Goodwin were present. Joe presented the Casinos plan to pay back the tribe as quickly as possible as well as providing bonuses to employees. Joe shared that they would like to propose a small increase rather than a one time bonus. The small increase would not apply to minimum wage employees since that wage is state mandated. Joe would like to offer a 4% increase this year with a \$500 bonus.

Joe shared a list of ways the casino has cut costs. He stated that the casino will stay current on payments to the tribe.

*Charlene left at 1:30 p.m.*

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Arnold suggested offering a 2% raise only. Cameron stated that the employees are hoping for a bonus this year due to their hard work. Andy stated the only problem with a percentage bonus that means those who make the most will receive the biggest bonus. Cameron reminded that per Council direction, any employee who makes over \$100k/year does not receive bonuses.

Cameron feels they came up with a reasonable payment schedule and it will pay back the tribe in 18 months and allows for bonuses/raises.

Council discussed the direction at the last meeting. Council directed the Casino to revert back to the \$500k distribution payment at the beginning of the month and \$500k "catch up" payment at the end of the month (\$1M/month), effective October 1. Cameron suggested targeting \$1M/month payment on their good months but paying the minimum of \$800k on their lesser months.

Andy verified that if Council approves a 3% raise for all employees (minus the minimum wage employees) that the Casino could handle the 18 month payoff.

Andy Whitener moved to approve the 3% raise with an 18 month payoff to the tribe. Misti Saenz-Garcia seconded the motion. The motion carried four (4) in favor and zero (0) against. Cameron chose not to include himself, Mike, Mark and Joe on the 3% increase in order to make sure the employees are able to get their raise.

### NATURAL RESOURCES

Jeff Dickison provided a monthly update from Natural Resources. Jeff inquired about the dock that is on the island and the bulk head associated with it. There is a lot of money right now for restoration and it might be possible to get some funding to remove the dock and bulkhead. Council would like to see a grant pursued to remove the dock.

**Arcadia Boat Ramp:** Council discussed the remodeling of the ramp. The tribe needs to do the permitting process but that cannot be done without engineering and an environmental assessment. Council would like to see the ramp taken care of.

Kevin shared that he contacted the contractor who was using the ramp to load/unload material for building bulkheads. He was sent a letter stating that he was to discontinue using the ramp until he gets permission from the tribe; otherwise he poses the risk of a trespassing. Council is concerned about his excavator that is tearing up the ramp and the beach; he also is leaving large boulders in the way of boats.

*Charlene returned at 2:12 p.m.*

Jeff and Kevin provided an update on the culvert case. Executive Session.

Council discussed the contract with Jim Peters. Jeff said they expect a ruling this spring so there may be a role for Jim in the future. Kevin suggested keeping Jim's contract one year but with an ending notice of 30 days.

### LEGAL

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**Earthjustice Industries Resolution:** Jeff reported that there is a company proposing to develop a parcel in the Johns Prairie area on an exempt well. Natural Resources has notified the county regarding their concern of the lack of water but the County has moved forward with the permitting process, which NR plans to appeal. Earth Justice, formerly known as the Sierra Legal Defense Fund, is a non profit group of attorneys who work for essentially no cost on environmental issues.

Jeff presented **Resolution #09-92** which states that the tribe intends to appeal Mason County Health Department's findings of water adequacy for a new business in the Johns Prairie area. The tribe would like Earth Justice to serve as co-counsel or in a similar arrangement with the tribe in any administrative and judicial appeals regarding this case. Arnold Cooper moved to approve Resolution #09-92. Charlene Krise seconded the motion. The motion carried five (5) in favor and zero (0) against.

Sharon Haensly provided a shellfish settlement update. Executive session.

Kevin thanked Sharon for her hard work and the time spent on this case. Sharon shared that Erik Sparkman was a huge asset and is invaluable to the tribe.

Charlene asked about the status of the geoduck harvesters and their meeting regarding the 2010 season. Andy stated that they need to set up another Aquatics Meeting.

### PLANNING

Brian Thompson handed out a grant writing update as well as the FY09 and FY10 Grants Summary Report. Brian shared that his staff is preparing for the heavy FY10 grant cycle. They are working with departments to develop for additional grants; they are hoping to get the same dollar amount awarded this fiscal year as last fiscal year.

Brian provided **Resolution #09-93** regarding BIA Road Stimulus money. This resolution allows for an amendment to include construction of maintenance and improvements on Klah-Che-Min Drive. Charlene Krise moved to approve resolution #09-93. Misti Saenz-Garcia seconded the motion. The motion carried four (4) in favor and zero (0) against (*Dave was out of the room*).

Andy asked about the status of the arcadia boat ramp. Brian shared that the funding is still in the process and is at the Secretary of Transportation for approval. Once approved it will go to WSDOT and will be ready for construction this spring.

*Pete arrived at 3:15 p.m.*

### TRIBAL MEMBER REQUEST

Ron Whitener provided an update on the grant received with National Institute of Health, working with community members on health research. This research will be turned in to a tool kit, allowing other tribes to model the program. Part of this grant will help fund Charlene's time and will fund data collecting. He is currently developing a curriculum and working with Human Resources for a research assistant. He would like to start this research within the next 30 days. He will work with Ed

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Fox and Lorraine VanBrunt and their programs. He plans to set up focus groups at next year's general body meeting; handing out gift cards for incentives to participate. He will be looking for tribal members priorities in health care. All the data collected will belong and be stored at Squaxin Island Tribe. Ron stated that of the 16,000 grant applicants, only 2% were funded.

Ron brought up another grant which he is asking permission: he submitted a grant for juvenile justice to research the juvenile brain, funded by the McArthur Foundation. Juvenile detention systems are mini models of the adult systems and studies show that juvenile systems are not working. This study will look in to the Juvenile Systems and different programs that work. Ron will be compiling the data and there will not be any individual tribal reporting; it will be an average answer amongst all tribes. The goal will to find out what is working and what is not working. He then plans to hold a conference at the casino for tribes to come discuss what projects are needed for the juvenile justice system. Council would like all data collected to be stored at Legal.

### **TRIBAL MEMBER REQUEST**

Mike Henderson reported that his eligibility for his geoduck medical waiver quota ends this year. He recently passed his physical so he is asking to have his IDG reinstated. Charlene Krise moved to have Mike reinstated in the fishery. Misti Saenz-Garcia seconded the motion. Included in the motion, Council would like to have Natural Resources remove the five year medical waiver and keep the short term medical waivers. The motion carried six (6) in favor and zero (0) against. Kevin will prepare a resolution reflecting this change.

### **TRIBAL GAMING**

Per Councils request, Desi Smith was here to provide an update. Council went in to Executive Session.

Tribal Council directed Island Enterprises to assist a tribal elder in obtaining a propane stove for her house.

Kevin shared the LCCR CEO interview schedule for next week: there will be two candidates each day (Monday, Tuesday and Wednesday), one will interview in the morning and the other will interview in the afternoon. Ray Peters and Mark West will provide site tours to each candidate, after that the formal interview will be conducted with Bob Whitener, Joe Calebrese and Joe Peters, after the formal interview, the candidate will informally meet with Council, then at 3pm everybody will meet and debrief.

### **FAMILY SERVICES DEPARTMENT**

Janita Johnson provided a Prevention Program Update. She listed what has been done and what their future plans are. They hosted a STD Day at the clinic in April and was a huge success testing 150 people. They have funding from the casino for tobacco prevention programs. She has handed out tobacco information such as the quit line number and second hand smoke information. She would like to get a support group together. The Meth Walk during the Health Fair was another success, she is hoping to continue doing that. Next year she would like to do something around domestic violence

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awareness. Janita recently attended a safety summit covering bicycle helmets, car seats and elders safety. Janita plans to work with Law Enforcement on bicycle helmets and start an incentive program. She is now trained to inspect car seats and she can access programs that will allow tribal members to receive free car seats. There is an elders safety program that will help elders identify areas in their houses that can be improved to help with their safety. Janita is working with SPIPA on a positive parenting program. She also would like to host awareness dinners covering different topics at each dinner. Charlene would like to see events for youth that encourage positive image and self esteem.

Heidi Chambers and Lorraine VanBrunt discussed an ICW Case. Council went in to executive session.

Ed Fox and Lorraine reported they have hired a new Community Health Representative: Leah Cruz. She is doing well and will be out in the community interacting with those who cannot get out. Charlene would like to see this position reach out to new mothers and talk about pre-natal care. Whitney explained that the CHR position has changed over the years due to funding source changes. The elders are in need of a CHR.

*Pete left at 5:32 p.m.*

Tribal Council appoints Sally Brownfield and Susan Wicket McFarland to the Child Development Board.

Council received a letter from Dillon Decicio requesting educational funding assistance. Council agreed by consensus to donate \$500 towards his education, and will direct the One Percent Committee to donate \$500 as well.

Council agreed to purchase two cedar hats from Dean Hicks for \$400.

Council agreed to purchase two (2) carved staffs with eagle feathers from Jonathon Fisher for \$3,000. A deposit of \$1,000 will be paid up front and the balance will be paid once the staffs are received.

There being no further business, the October 22<sup>nd</sup> Council meeting adjourned at 5:35 p.m.