

DRAFT

**SQUAXIN ISLAND TRIBAL
COUNCIL MEETING
November 12, 2009**

Attendance:

Tribal Council

Dave Lopeman	Chairman
Arnold Cooper	Vice Chairman
Andy Whitener	Treasurer
Pete Kruger, Sr.	Secretary (<i>absent</i>)
Misti Saenz-Garcia	1st Council Member
Marcella Castro	2nd Council Member
Charlene Krise	3rd Council Member (<i>arr. at 9:27</i>)

Legal Counsel
Executive Director
Deputy Director
Recording Secretary

Kevin Lyon
Ray Peters
Whitney Jones
Melissa Puhn

Dave Lopeman called the meeting to order at 9:18 a.m. Andy offered the opening prayer.

Arnold asked for details of today's 2012 Canoe Journey update. Ray stated that Bridgette will provide monthly updates on the planning process of hosting; as requested he also will be sure that she does not overstep any boundaries.

Misti asked about the liaison position for the Casino; there was a grievance last week and she heard that Bev Hawks sat in for that position. Ray stated that Casino policy requires that a liaison sit in on grievance hearings and thought that Peg Johnson might have temporarily appointed a community member.

APPROVAL OF AGENDA

Misti requested a medical update; Ray will discuss this later in executive session. Andy made a motion to approve the November 12th Council Agenda. Marcella Castro seconded the motion. The motion carried unanimously.

Charlene arrived at 9:27

Misti asked about the email from Charlene for Chevonne Obi. Ray asked Whitney to get gas vouchers. Debbi Obi will pick up the vouchers from Whitney for \$200 to KTP.

Misti called Bev Hawks; Bev stated that she was asked to sit in at the recent LCC grievance hearing. Bev stated that she is interested in that position. Tribal Council agreed by consensus to appoint Bev Hawks as the Tribal Liaison for Little Creek. Dave asked if she could be used for Island Enterprises also. Arnold stated that should go through IEI; Council will wait on IEI but appoint Bev for LCC at this time.

APPROVAL OF MINUTES

SQUAXIN ISLAND TRIBAL COUNCIL MEETING

Charlene shared her concern about the youth per capita amount; this year the youth will be over the income threshold and will be issued a 1099 tax form. She is concerned about families paying taxes for their kids.

Some clarification was added to the Casino report on pages 9 and 10.

Council struck a tribal members name from a discussion on page 12.

Andy Whitener made the motion to approve the October 22, 2009 Council Minutes as amended. Arnold Cooper seconded the motion. The motion carried unanimously.

Dave noted that he liked the detail of the October 22nd Minutes and to continue in that fashion.

TRAVEL REPORTS AND PLANS

November 12: Volunteer Appreciation Dinner, LCC Events Center at 5pm.

November 14: SPIPA Annual Art Auction, Lucky Eagle Casino. Council purchased 20 tickets; any left will be distributed to staff and tribal elders.

November 17- 19: G2E Global Gaming Expo, Las Vegas, Andy, Misti & Ray will attend

November 17 –22: 11th Annual Native American Leadership 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. Grand Hyatt, Seattle. Charlene will attend.

November 22-25: Economic Development Work Session with IEI & LCC, Tulalip. There will be a breakfast 8am Monday morning with LCC CEO Mitch Corbine; Mike, Cameron and Mark will join as well.

Ray commented on the volunteer dinner tonight; he asked if Council would like to stand up and speak to those in attendance. Council donated \$500 to go towards purchasing door prizes; Misti will hand out door prizes. Council will get Rose Cooper a gas voucher for her traveling out to offer the opening prayer.

CHAIRMANS UPDATE

Casino medical leave policy: Marcella stated that her question got answered, she just had concerns about LCC employees not being allowed to use sick leave.

Tentative schedule for clam tides: Marcella has not seen a schedule mailed out to tribal members. She has heard complaints that the same people have been digging, she would like to see the schedule be mailed so everyone has a chance. Misti stated that as soon as a regulation comes in it gets put on the hotline. Private land digs usually have limited space and gets filled quickly. The most recent

SQUAXIN ISLAND TRIBAL COUNCIL MEETING

private dig was released on a Monday morning and was added to the hotline. There were 25 spaces and it filled quickly. The current dig schedule is included with the Council packet. Natural Resources started a list for tribal members who would like to be called for digs.

Council discussed clam buyers: Salish is primarily selling to Taylor Shellfish. Arnold would like Salish to be more aggressive with the sellers market. Andy stated they have scheduled a clam meeting to discuss the 80k pounds of black clams. Charlene suggested smoking them since they taste fine for are not aesthetically pleasing. Andy asked who would dig them; Charlene thought it would be a good community service project. Ray suggested that once they are dug send them to Cow Creek and have them smoked and vacuum sealed. Dave would like to work on this later. Charlene would like to discuss at the work session ways to develop Natural Resources in economic development. Dave suggested that the canoe family could use the clams; they could even do a fundraising clam bake.

Marcella requested an update on the Alisek billing process with the clinic. Kevin presented the contract renewal to Council but it was not approved. Marcella wanted to know how they are billing without a contract in place. Kevin stated that he has been working on this and the last direction he got from Council was to see what it would take to have Franks Landing on their own Medicaid billing. He will provide an update at the next Council meeting. Marcella would like to have Ed Fox come in and show that the funds are being spent appropriately and that the tribe does not have any liability. Kevin stated that he has been keeping an eye on it and doesn't see any risk at the moment. He has been working with Ed and Franks Landing on a regular basis. Franks Landing is an independent Indian Community and will qualify for their own billing number; Kevin has been working on getting them enrolled and will provide a full report at the next Council meeting.

Emergency Client Assistance: Marcella stated they are out of money. Ray stated that the Budget Commission knows what is needed and he encouraged Marcella to go through the process of applying for more funding. Ray offered his assistance to Marcella to help with the process.

Animal Control: Marcella asked about weekend coverage. There are a lot of dogs loose during the weekends. Charlene stated that she heard the dog catcher only work Monday through Thursday and she had the same concern of loose dogs on weekends and holidays. Arnold doesn't like seeing the same dogs picked up all of the time. He stated that if a dog is picked up once it needs to be taken to the pound. Council would like to see the dog catcher in on weekends as well. Council directed that if a dog is picked up a second time the dog needs to be taken to the pound. Ray stated that Law Enforcement is reporting this afternoon and he will have the Housing Enforcement Officer come in as well.

Capital Land Trust: Andy reported that Capital Land Trust is working in purchasing the Twin River Ranch near Deer Creek in Mud Bay. They are seeking tribal support for this purchase and restoration. Taylor Shellfish donated \$20,000. This purchase will help protect tribal headwaters. Council agreed to donate \$5,000 to Capital Land Trust.

EXECUTIVE DIRECTOR UPDATE

Kirk Kyster will provide a golf update from Golfworks when he returns to town.

SENSE Contract: Ray stated that the SENSE Contract needs to be renewed. The tribe has a long relationship with SENSE and Juliet Pittman. Misti asked about the contract and what exactly does

SQUAXIN ISLAND TRIBAL COUNCIL MEETING

SENSE do for the tribe. Kevin stated that there is a gap from October-November; so if there are any changes in the contract those two months need to be covered.

DSHS Secretary Visit: December 3rd at 5:30 p.m. dinner will be held in Skookum Spirit Lounge.

Arcadia Boat Ramp Update: Ray updated on the renovation of the boat ramp through federal and lands highway funds and through WSDOT. Right now the request is at the Secretary of Federal Lands and Highway and is not signed yet. The funds need to be in place before anything can be done. Working the NR and Planning on the CORP Permit, but delegation is working on getting the contract signed. Spring will be here fast so Ray would like to be prepared for construction weather. Arnold asked if Council should send a letter to the Secretary regarding the urgency of the contract. Ray stated that there are many other projects “stuck” there also. The paperwork for the boat ramp was submitted last April. Ray will take the next step and go higher and will send a letter to apply pressure.

Andy stated that he would like to discuss the contractor who has been using the boat ramp. Kevin stated he has been in contact with him and Natural Resources sent a letter requesting that he stop using the ramp. He responded by asking for some type of agreement with the tribe that will allow him to use the ramp for his business. Council does not want to have an agreement with him. Jeff Dickison and Kevin have talked with him about liability and his equipment mess.

Kirk Kyster provided an update on the golf course. He handed out some pictures of the golf course; they have begun grassing the different areas. He and Ray discussed white sand and they need a location to store it for now until it can be used. There is an opportunity now to get white sand and because of a shipping issue it needs to be delivered this winter and stored. Kirk briefed on the status of the holes. Arnold asked for a status report of where the golf course would be by the end of next summer. Kirk stated that all 18 holes will be complete by the end of next growing season. He would like to do a soft opening in September of 2010 but it will be weather dependent. The plan will be to do a grand opening in 2011. He is anticipating that the vertical construction will begin this coming spring. He explained that the restrooms on the course will be self contained systems. 40% of the cart paths are complete and they are looking really nice. Arnold would like to see the plans for the club house; Ray stated that an architect is working on the plans. The plans will be presented to Council for input, once a rendition is complete. At this point, the club house will be a log building with basic bar/grill amenities and will be built to allow for additions. The location for the maintenance shed was discussed. Ray suggested that Council allow the golf committee to discuss and present back to Council for approval the location of the storage/maintenance shed.

The goal for this winter is to get the vertical construction plans complete, sub contractors ready and the planning process complete. Once spring arrives the vertical construction can begin and everything will fall in to place. Andy brought up marketing and if the opening date should be advertised. Kirk suggested that going in to spring the marketing will begin, maybe even late summer. Ray discussed this with Gene Bates in regards to publications and the Casino will be considering “stay and play” promotions. Andy asked when a Superintendent will be hired. Kirk responded that this spring they will begin that process.

Charlene would like to add to the work session agenda to discuss a 10 year plan. She also would like an update on Salmon Safe and golf marketing.

SQUAXIN ISLAND TRIBAL COUNCIL MEETING

Charlene would like to see native plants used on the golf course. Ray stated that there is a wetland native plant plan in place that Jeff Dickison is working on. Charlene would like to work with Jeff. Arnold asked about native art work on the outside of the building and throughout the golf course. Ray stated that those details have not been discussed yet. Arnold would like to see tribal members involved with the art and décor of the golf course. Charlene would like to see opportunities for all tribal artists.

Property update: Ray shared that he received a call from Realtor Jef Conklin with a potential property opportunity. Ray stated that the tribe made a contingent offer, contingent on financing and Council approval. Council went in to Executive Session to discuss this purchase.

Arnold would like to look at the property and Charlene is very supportive due to the location.

Arnold also would like to look at the Hartstine Island property; Ray reported that he was directed to hold off on that piece and have Island Enterprises look in to it.

The contingency requires Council approval. Council discussed the states stand on tribal hunting on private land. Kevin shared that the state is working on a deal with private landowners for “pay to hunt” opportunities. Charlene feels that if tribes are not aggressive with keeping their hunting grounds, it may be lost at some point. Kevin stated that all grounds should be allowable unless its unsafe.

Ray brought up the storage area for the white sand. Kirk would like to look in to storing it between the tobacco factory and the MBR; there is a vacant lot that is slightly elevated. That would be a storage area until the material is used on the course. Dave would like to check with IEI to see if that location would work. He also would like a security camera on it. Ray asked about storing it on top near the fill and maintenance shed; Kirk said that is a possibility.

PLANNING

Brian Thompson shared that his grant writers are busy preparing for the spring grant season. He handed out a grant writing report.

Brian handed out a housing wait list. Arnold asked about the status of the Nerney Household. Brian shared that they have moved out and the house is in the process of being turned around for the next tenant. Brian provided a report from the Animal Control Officer; based on Council direction he is picking up an animal once and the second offense the animal gets impounded. Arnold doesn't seem to think its working; he sees the same dogs running loose. Brian stated that when a dog is picked up the dog is returned to its owner once and the owner is spoken to about ticketing and licensing. The second time a dog is picked up it is taken to the pound. Brian stated that according to the new Animal Control Ordinance that was passed by Council, dog breeds are not identified as potentially dangerous, rather animal behavior is targeted. The Animal Control Officer is a $\frac{3}{4}$ time employee and works 30 hours/week. Marcella asked about weekend coverage. Brian stated that weekends and holidays if someone has an animal complaint they need to call law enforcement. Arnold asked about part time weekend coverage. Brian stated that it is within the job description to rotate the Animal Control Officers schedule. Council would like to see him around on some weekends. Misti asked if tribal members can surrender their dogs for free. Brian stated that yes; Jim will take dogs to the pound for adoption. There is a section in the Animal Code for animal surrender.

SQUAXIN ISLAND TRIBAL COUNCIL MEETING

Brian handed out an update on vacant homes.

Brian provided a resolution from the Housing Utilities Commission. HUC worked on a change to the eligibility to the occupancy and admissions policy. Misti Saenz-Garcia moved to approve **Resolution #09-94** which approves change two to the Eligibility, Admission and Occupancy Policy. Marcella Castro seconded the motion. Charlene asked for clarification on where it says that when a member receives a duplex, if the family size increases how they can get back on the wait list. Brian shared that it is within paragraph four of the policy: those who are on the list and get placed in a duplex will be offered a house once one becomes available. If they deny the house that is offered, they then will be removed from the waiting list; but they can always reapply and be put back on the list.

The motion carried unanimously.

Brian gave an update on the construction projects. The pipeline connecting the houses to the MBR is wrapping up and will be finalized by the end of December. Currently IEI, CDC and the fire station are connected. A contractor is working on connecting Legal today and Outpatient and the Krise house will be done by next week.

They are also working with an engineer for asphalt overlay for Slocum Ridge. The engineering will be done by December 15th and will go out for bidding in January. There is sufficient funding in that package for higher quality speed bumps and vinyl striping.

Also are working on a contract for roads on the Taylor property for future housing.

The multi family project is getting wrapped up for the bidding and design.

Dave asked about Elmers house. Brian stated that the housing code states that a non tribal spouse may live in the house until they pass away, the house then needs to go back to the tribe. The conveyed home has an opportunity to be owned by a descendent or spouse, then it has to be returned to the tribe. Housing encourages tribal members to get a will in place outlining the next owner. Council debated who is entitled to live in the reservation. Housing was directed to write something up on how to handle these circumstances.

Brian explained that if the tribe buys the property and wishes that housing manages it, the tribe needs to sell it back to the housing program. The housing program can use NAHASDA funds to pay for houses, but Housing needs to modify the Indian Housing Plan to make the acquisition. This will need to be brought to Council for approval. The Housing Program cannot pay more than the appraised value of a house. There is a provision in the code for Council to purchase the property based on the request of the owner of the property. Brian stated that if Elmer passes without a will in place, there is no process of who will get his house. Charlene would like to see a workshop available for tribal members to establish a will. Marcella does not want to see the tribe buy the house.

Charlene would like to see an acquisition process for the tribe to purchase houses.

Council decided they will not buy the house. They would like to see an acquisition process put together.

SQUAXIN ISLAND TRIBAL COUNCIL MEETING

Misti asked about the probate code. Kevin will update during his report. He has a draft but there are a lot of questions. Kevin handed out the policy issues surrounding the probate code. Charlene stated this has been in the works for the last two years, and she would like to see it done. Charlene would like to see a committee appointed to see it completed.

LAW ENFORCEMENT

Chief Mike Evans and Kris Peters provided an update on fishing enforcement. Mike reported a couple of issues have come up. Currently there are thirteen funded commissioned positions. One of those positions is not hired yet, one of those positions is Mike and the other position is a full time officer at the Casino which brings the officer count down to ten. There are three officers working full time on NR enforcement and the other seven are land enforcement. Mike needs six officers to accomplish 24/7 coverage. With a few exceptions there has been 24/7 coverage since August.

Kris provided an outline of how they are utilizing the three NR enforcement officers.

Misti asked about the office at the Casino for the officer. Mike stated that the office is new and the officer has not been using the space yet. Misti asked why during the weekend she saw city, county and state troopers pulling people over at the casino; and she wondered why there was no Squaxin officers. Mike stated that off the reservation they do not need permission to pull people over. Arnold thought they should give a courtesy call to Squaxin Enforcement if they do any DUI or seatbelt emphasis patrols at the casino. Mike stated that usually he has an officer involved with the emphasis patrols but he is out on leave.

The officer at the casino is TGA funded.

Misti asked what the three NR officers do: Kris stated that if there is a 24-48 hour opening, he needs to coordinate his three the best he can. They are out for the entire time but are constantly moving around to different bays/inlets even on land checking the closed areas. They do not stay in one spot constantly. They play a game of watching everywhere at once. Misti stated that if there is an infraction it needs to be dealt with in the spot.

Kris gives his guys the discretion of whether to deal with the infraction on the spot. Misti asked about a specific instance and Kris stated that it was a mistake of going after the wrong guy after the fact.

Mike stated that it takes a minimum of six officers to do 24/7 coverage: three on NR patrol and three on land patrol. They are continuously adjusting the schedule to try and react to complaints as well we being everywhere at once.

Kris stated that if there is an opening on an inlet he needs to put himself in the position to get the most coverage.

Arnold asked about the potential for a fish & wildlife department. Mike stated they are continuing to look in to funding for that and there is always funding for equipment but not much for staffing. Mike explained the pros/cons of splitting fish & wildlife in to its own department. They way it is set up know he is able to adjust the officer's schedule to accommodate the season. Mike will provide a recommendation on how to augment their department further. Mike has resisted the fish & wildlife

SQUAXIN ISLAND TRIBAL COUNCIL MEETING

split since it cuts down on flexibility. Arnold stated that during the slow seasons, they can be on the water training on the area and laws. Mike stated that his NR officers are very enthusiastic and knowledgeable.

Mike explained that he and Ray discussed gear confiscation; even though the code allows confiscation for A, B, and C offenses, it is difficult to do. Law Enforcement does not have adequate storage for confiscated gear. They need a secure outdoor storage area. Mike is looking in to storage containers. Mason County has suggested sharing the expense of an outside storage compound. The County is working on enclosing an area but it has not been completed yet.

Arnold asked if the laws need to be tightened about tribal spouses fishing by themselves. Mike has issued citations for this. Arnold does not like seeing non tribal members practicing treaty rights. Mike stated that once a citation is issued there is an administrative process that takes place; he suggested considering an automatic suspension of privilege. In order to solve a problem there needs to be immediate action; either jail time or immediate suspension.

Tully Kruger was present and added that he feels when a non tribal member is out fishing; it needs to be dealt with immediately in order to send a strong message. He has mentioned this before to Law Enforcement and feels that it is becoming a bigger issue that needs to be dealt with. It is unfair to those who are honest. He also agreed with Mike that it is really hard to catch everything. He would like to see spousal treaty rights taken away since it is so abused; like everything: a couple of people can ruin it for everyone.

Mike stated that he is okay with turning such cases over to the state. Arnold agreed that if a non tribal member is illegally fishing Fish & Wildlife could cite them and confiscate their gear on the spot. Charlene would like to be careful though about jurisdiction and protecting the tribal sovereign rights. She does not want to see too much authority given to the state. Mike assured that he defaults to always handling tribal cases and not turning to the state.

Mike stated that he would like to go through the RMA (Resource Management Area) with Council sometime and discuss the NR laws.

Andy made the suggestion to seize gear for 24 hours and allow them to pick it up later. Andy emphasized that the citation process can take months to go through the court system; so as of now most fishermen don't care about getting a citation and continue doing what they do.

Mike would like to see the laws set up to determine the difference between a large offense and a small offense. Mike invited Council members to go out with the NR officers and ride along for a day.

Mike brought up the "grey" area in regards to boat fishing. He asked at what point is it considered fishing; if a boat launches in a closed area with a net is that considered fishing? He stated that his officers actually need to see the fish being caught in order to offer a citation. Arnold would really like to see three officers on the water. Mike proposed taking one more guy off land coverage and putting him on the water, but that would take the 24/7 coverage away. Arnold stated that there should be officers close enough to be on call if anything comes up.

Misti asked about the reserve academy and why nobody is doing it. Arnold asked about allowing tribal members to ride along with officers to learn. Mike stated that is not generally done anymore

SQUAXIN ISLAND TRIBAL COUNCIL MEETING

since mistakes can be made and it creates a liability. He shared that if anyone is interested in being a reserve they just need to fill out an application.

Charlene asked about outdated codes. Mike stated that the criminal code and traffic codes are old. He shared that at one point he and Kelly Croman worked on the traffic code which adopts the state code with minor changes. The codes realistically need to be updated every six months in order to stay current.

Charlene asked if there could be a mandate from Council that adopts the state codes and the updates. Misti stated there is a Law and Order Committee that does not meet regularly. Charlene said that she is on that committee and the schedules could not be coordinated.

Joe Peters shared that he hears a lot of complaints regarding fisheries and he tries to educate tribal members on the fishery and encourages them to contact law enforcement.

LEGAL

Council went in to executive session to discuss the culvert case.

Kevin provided a resolution for the adoption of a 401K plan for the Casino through Fidelity. There was a meeting with Fidelity to be sure the transition was going smoothly. The casino is on a non-governmental plan so Kevin wants to make sure that everything is being done correctly. This plan calls for a waiver of sovereign immunity which is typical. The resolution authorizes the agreement, the plan, the waiver and authorizing the Chairman and LCC CEO to be signatories. Arnold Cooper made the motion to approve **Resolution #09-95**. Misti Saenz-Garcia seconded the motion. The motion carried unanimously.

Kevin presented another resolution for a contract renewal for the Northwest Intertribal Court System. The tribe uses them for appeals of civil and criminal court. Arnold Cooper made the motion to approve **Resolution #09-96**. Charlene Krise seconded the motion. The motion carried unanimously.

Kevin provided a letter to the Department of Ecology regarding Johns Prairie, which he previously reported on. He stated that Council should be receiving a phone call. Tribal Council approved Legal to pursue a petition to the Department of Ecology to stop the development of businesses on Johns Prairie. The petition was declined. The letter Kevin prepared explains the failure on DOE for the steps that should have been taken for development of that area. They have 30 days to respond.

Kevin handed out a letter relating to the hunting declaration case; he has been asked by tribal leadership if Squaxin might mediate a resolution among other tribes to help resolve the intertribal claims. Council went in to executive session to discuss the hunting case.

As requested, Kevin provided a draft probate code. There are a number of issues that need to be addressed. Kevin will have Ray provide some guidance and Kevin will continue working on this.

Council went in to executive session to discuss the Nisqually vs. Gregoire litigation.

2012 CANOE UPDATE

SQUAXIN ISLAND TRIBAL COUNCIL MEETING

Bridgette Ray reported on behalf of the canoe family. Bridgette stated that the committee went over the rules of the canoe, which is the ten principals that the canoe journey is based on. They went over the proposed work areas and also provided a draft budget for funding the 2012 journey. The draft budget was approved by the steering committee and is just a preliminary outline of what to aim for. She will prepare a case statement for Council to have in their preparation for seeking funding.

ENROLLMENT

Sharon Haensly and Vicki Kruger reported that they put the public notice out for two weeks in the Enrollment Ordinance. They received no response. They are seeking approval of the code and ordinance from Council today. Charlene would like to see the public notice sent out in the weekly bulk mail. Council really would like to see more input from the community. The public notice will get mailed out and will include verbiage directing people to either look at the code online, pick up the code at the tribal center or to call and have it mailed to them for their review if they like.

They will present the code at the next Council meeting for approval.

NORTHWEST INDIAN TREATMENT CENTER

June O'Brien presented an update on the drug policy. Council went in to executive session.

FAMILY SERVICES

The new Family Services Department was present for introduction: Lorraine VanBrunt introduced herself as the Director; Vicky Engel, TANF Site Manager; Colleen Woodard, Activities Coordinator; Debbi Boelk, cook; June Krise, Vocational Rehab Counselor; Paula Henry, TANF Intake Specialist; Vicky Kruger, TANF Family Support Specialist, Rose Boggs, TANF Case Manager; Jill Krise, TANF Trainee; Marcella Castro, Community Health & Child Care Coordinator; Mary Lou VanBrunt, Cook; Gloria Hill, Domestic Violence Coordinator; Elizabeth Fenton, ICW Caseworker Trainee; Dianna Warren, ICW Case Worker and Janita Johnson, Prevention Specialist.

ISLAND ENTERPRISES

Bob Whitener and Bryan Johnson provided an update on co-manufacturing for Skookum Creek. He wanted to be sure that Council feels his is on the right track. He handed out a letter prepared for the Chairman's signature which outlines his strategy. The letter represents and protects the needs of Squaxin Tribe and Skookum Creek Tobacco.

Meeting adjourned.