

**SQUAXIN ISLAND TRIBAL COUNCIL
MEETING MINUTES
January 9, 2020**

Attendance:

Tribal Council	Arnold Cooper	Chairman
	Charlene Krise	Vice Chair
	Vicki Kruger	Treasurer
	Jeremie Walls	Secretary
	Bev Hawks	1st Council Member <i>(absent)</i>
	David Whitener, Jr.	2nd Council Member <i>(absent)</i>
	Vince Henry, Sr.	3rd Council Member
Tribal Administrator	Marvin Campbell	
Legal Counsel	Kevin Lyon	
Recording Secretary	Melissa Puhn	

Arnold Cooper called the meeting to order at 10:05 a.m. Charlene Krise offered the opening prayer.

APPROVAL OF AGENDA

Vince Henry moved to approve the January 9, 2020 Council Agenda. Vicki wanted to make sure WWIETP would be discussed. Kevin stated that will be part of his report. Vicki Kruger seconded the motion. The motion carried four (4) in favor and zero (0) against.

APPROVAL OF MINUTES

Charlene moved to approve the September 12, 2019 minutes, September 27, 2019 Phone Poll, October 3, 2019 Phone Poll, October 23, 2019 Phone Poll, November 18, 2019 Minutes, November 22, 2019 Phone Poll, December 9, 2019 Phone Poll, December 11, 2019 Phone Poll and December 16, 2019 Phone Poll. Vince seconded the motion. The motion carried four (4) in favor and zero (0) against.

TRAVEL REPORTS AND PLANS

January 11:	Winter General Body Meeting, Community Kitchen, 9am
January 17:	Shelton Chamber Awards Gala, LCCR, 6pm
January 26:	13 th Annual Drug & Alcohol Awareness Dinner, LCCR, 2pm
January 27-30:	ATNI Winter Meeting, Portland OR. Ray will attend, Jeremie, Charlene, Vicki and David plan to attend.
February 10-13:	NCAI Winter Session, WADC
April 6-7:	NAFOA Annual Conference, Nashville TN
June 7-11:	NCAI Mid-Year Conference, Anchorage, Jeremie will attend.

Charlene recommended Marvin attend ATNI in Portland as well as NCAI and NAFOA.

Ray shared that he will be in DC next week instead of attending NCAI; and will be offering the Squaxins testimony at that time. Arnold will travel to DC with Ray.

TRIBAL ADMINISTRATOR UPDATE

TERO: Marvin handed out the “pre-TERO” hiring and contract preference policy. He is looking to implement this policy as interim; and will be responsible for overseeing the policy for the three entities. The only caveat is that there is an assumption of a procurement policy for the three entities. He would like to add that, or include verbiage that requires three bids for each contract over \$3000. Jeremie would like to approve the document with the understanding that this is an interim policy until a TERO Commission is formed and creates a code and policy. He agreed with the importance of a procurement policy. Vicki appreciates Marvin’s insight to ensure that all entities follow a policy. She understands there are always exceptions, but knows the importance of a procurement policy. Marvin will work with the other CEO’s and HR’s to figure out a way to report to him and he will oversee. He will be transparent; this will happen quickly, but not tomorrow.

Jeremie moved to approve the hiring and contracting preference ordinance while understanding that it is an interim measure; the commission (once formed) will make recommendations to revise the ordinance if necessary. Council will consider further code revisions following the Commission’s recommendations; and admin will adopt and implement a procurement policy. Vince seconded. Motion carried unanimously.

Winter General Body Meeting: Marvin has worked on information regarding the enrollment moratorium, if that is what Council wants. He has statements from five departments showing how they would be impacted if the moratorium was lifted. If this were a topic to be voted on by the General Body, he would like to share information beforehand. Vicki reiterated how moratoriums are meant to be temporary, and this has been in place for 11 years. Jeremie added that Enrollment needs to share information with the General Body and eventually have them vote on it. After discussion, Marvin will focus on the education piece for Saturday, and work on a survey to go out in the Klah-Che-Min where tribal members can log in to submit their opinions. He will be ready to talk about TERO, but does not plan on bringing it up.

Tourism: Marvin reported that the Tourism Board met on Monday and approved the Tourism budget, which was well within their means. The Board also made a recommendation to move Tourism under the MLRC, instead of being its own entity. Leslie would still be a manager, just report under the MLRC. This would dissolve the Tourism Board and will make the MLRC Board responsible for Tourism.

Vicki brought up how the Tribal Occupancy Tax may be used for any service programs or government programs of the Tribe. Originally, Council agreed to use that tax for Tourism. She

would like to see those funds go to a new Community Center, and do away with Tourism. She shared her concerns regarding the Tourism budget and suggested re-evaluating Tourism or moving it under the Casino. Marvin added that Tourism has measurable goals on what they will achieve this year.

Arnold would like to see more accountability for committees and commissions. He would like to know how to manage and tighten up the loose ends of not getting reports from Tourism.

Charlene stated that Tourism has worked hard getting Squaxin's face in the Olympia area, as requested by Council. She also stated that Tourism did an extensive report to Council a couple of years ago, showing their future plans. At that time, Council was not paying attention and rushed the report along. Tourism has a plan and they follow it. She recommends to not dissolve Tourism since they do a good job keeping the Squaxin presence alive in the area. Charlene added that MLRC and IEI carries their budget since the Tribe's Finance Department takes almost a year to provide needed funds.

Vicki asked about the overspending and has a concern about one particular line item. Hotel occupancy tax can be used for other things, and she really wants to see it used for a community center.

Jeremie added that it would be difficult to dissolve Tourism since they already have plans for this fiscal year. He understands Vicki's concerns, but believes those concerns can be corrected. He's supportive of re-evaluating it after they are moved under the MLRC.

Vince added that if Tourism was to be dissolved, it should have been done at the start of the fiscal year. He is supportive of giving Tourism direction and benchmarks to meet.

Ray shared if Tourism does move to the MLRC, Leslie would report directly to Charlene, who has the MLRC board oversight. He feels its good to evaluate programs in general, and with some oversight, there will be measurable. Any alarming issues would be scrutinized by the MLRC board.

Vicki worries that Tourism still doesn't have an approved budget by Council. Charlene would like to have Richard Sweeney go over the tourism budget with Council.

Arnold recommends to leave it as is for now, and give a report six months from now and follow the recommendation of the board to move it under MLRC. The Tourism Board approved the budget, and now it needs to be approved by Council. Marvin will send it out via email to get approval from Council.

Funeral policy: Marvin shared that he has changed the policy and wanted to make Council aware of the changes. The dollar amounts spent were changed to reflect a more realistic amount, as well as closures.

Marvin reported that there will be an EOC Meeting tomorrow at 9am if Council would like to attend.

Charlene asked what would happen if our country goes to war and how would John Taylor and the EOC be involved. Does Squaxin have the ability to take care of ourselves? Marvin stated that the EOC has a list of essential personnel in the event of a disaster.

Marvin will provide an EOC Committee List at the next meeting.

TRIBAL TREASURER REPORT

General Welfare: Vicki asked Kevin about the “general welfare” of the community. Her question today was about setting aside time at the next workshop to talk about income tax being deducted from per capitas. She would like to make a decision on this, but would like more information. Kevin said that he is prepared to discuss this topic when Council is ready.

TRIBAL LIAISON UPDATE

Ray Peters and Jeff Dickison were present to discuss the Deschutes Hatchery, which was scheduled and set up to be built at Pioneer Park. Ray and Jeff recently learned that the City of Tumwater decided to not move forward with this plan. Ray feels that they mis-stepped by not including Squaxin with that decision. He will be drafting a letter to Washington Department of Fish & Wildlife regarding that surprising decision without consulting with Squaxin first. Any decision regarding fish production is required to have the agreement from both WDFW and Squaxin, per the requirements of US v WA.

The site selection of Pioneer Park was made in 2002, and the Tribe has been assisting with design elements and funding since then, and was ready to move forward with the permitting process.

LEGAL UPDATE

Scott Steltzner was present regarding the grant used for Skookum Ranch. The grants used are about habitat, and not specific animals. He explained how the grant is not for infrastructure, but for habitat. Council authorized Arnold to sign the necessary documents associated with that.

Update: Tobacco 21 and Vapor Products Flavor Ban – New Federal Developments: Nate Schriner reported that the State of Washington changed its purchase age for tobacco products to twenty-one and older, effective January 1, 2020. The State law directed consultation with tribal governments, with a report to the Legislature to occur in December 2020, specifically allowing for the possibility that Tribes, in accordance with their compacts, might continue to sell to persons eighteen and older.

By Governor's executive order and Department of Health Emergency Rule enacted a ban on flavored vapor products. The ban extends to any flavor other than tobacco or marijuana, and was initially adopted for a period of 120 days, ending in February. It is very likely that the ban will be extended in some form, either by additional rulemaking or legislation.

On December 20, 2019, the President signed an appropriations bill passed by the United States Congress containing a federal change to twenty-one for the purchase age for tobacco. Although the change was widely expected to take effect following rulemaking by the federal Food and Drug Administration (FDA), the FDA has announced its position that the change in purchase age takes effect immediately. IEI and Legal have discussed the change and IEI is prepared to implement the change while awaiting further guidance from the FDA.

On January 2, 2020, the FDA announced a new enforcement policy with respect to flavored vapor products that takes effect February 1, 2020. The immediate effect of this policy is to ban flavored "cartridge-based" vapor products for any flavor other than tobacco or menthol. IEI is aware of the change and making the necessary adjustments to purchasing and inventory.

Jeff Dickison shared how he attended a Christmas play put on by Harlequin Productions. They introduced and welcomed the audience with an acknowledgement of the indigenous people of the place and waters in Budd Inlet, its theatre in downtown Olympia. The introduction however mistakenly identifies it to be a Nisqually place rather than the Steh-Chass, one of the seven bands of the Squaxin Island Tribe. Kevin Lyon presented a draft form of letter to Harlequin Productions Director. The letter thanks Harlequin for its recognition of indigenous people, and asks it to correct its statement, and proposes a meeting between Council members and the Board. Council approved the letter.

Council went into Executive Session to discuss litigation matters.

GUEST: Shelton School District

Superintendent Alex Apostle and Executive Director Brenda Trogstad were present to discuss the upcoming Shelton School District Levy renewal, which will be on the February Ballot. He explained how this is a replacement and not an additional, and provides 8.5% of their education budget.

Brenda shared that the current levy expires at the end of 2020; this will be a replacement levy and not an additional one.

Alex asked if Squaxin would make a statement supporting the school levy. Arnold said yes, that is something that Council will do.

LEGAL *continued*

Kevin reported that Legal recommends adopting a reciprocity code that will guide the Squaxin court when asked to enforce judgements from state (foreign) courts. The Squaxin court already enforces foreign judgements, for example, civil monetary judgements against tribal members and protection orders. This code would affirm the practice already occurring and provides parameters as to when a judgment can and cannot be enforced by the Squaxin court. Additionally, Washington Civil Rule 82.5 requires Washington courts to recognize and enforce orders from tribal courts when the tribal court recognizes Washington State court judgements. We have as an example, a Squaxin court judgement for \$40,000 plus against a company for faulty defibrillators. We seek to have the Squaxin order enforced in state court. If Squaxin can demonstrate that it will enforce a state court order then we can be certain that the Squaxin order will be enforced. Vicki moved to approve **Resolution #20-01** which updates the Reciprocity Code 4.04.150. Vince seconded the motion. The motion carried four (4) in favor and zero (0) against.

LEGISLATIVE UPDATE

Jeanne Cushman presented and handed out the 2020 Legislative Agenda for approval. She briefed on the sports betting; Deschutes hatchery; culvert and transportation budget; water and fish ruling that Ecology is working on; and the salmon legislation that will amend the Growth Management Act.

Jeanne asked for approval of the legislative agenda which she presented. Council approved the draft by consensus.

LEGAL *continued*

Exclusion Code: Kevin Lyon presented. The Legal Department presented draft amendments to the Exclusion code and summary at the last Council meeting. Council asked the Legal Department to bring the proposed exclusion code amendments to a work session for discussion. The Department requests a date for a work session. Additional copies of the proposed amendments and summary were provided.

Kevin shared that Legal requests permission to file an amicus brief in this case with NICS to inform the court of the Tribe's interpretation of the Plan rules and standards and to argue that the Squaxin court exceeded its authority in an ongoing worker's compensation appeal. The Squaxin court issued an order in a worker's compensation case on November 12, 2019. This order reopens the employee's worker's compensation claim that was closed because it was determined that the employee reached maximum medical improvement for her work-related injury. The retroactive medical bills and other benefits are estimated to be substantial in this case. The Legal Department reviewed the Squaxin court order and is of the opinion that the Squaxin court erred and misapplied the legal standard under the plan in its order. Tribal First, the Administrator of the Tribe's Worker's Compensation Plan, has filed a Notice of Appeal to the Appellate Court (NICS). The Legal Department expects the appeal to be heard in January or February. Council approved by consensus.

Kevin provided a Shellfish Grower Settlement Status update.

Kevin presented three exclusion cases. After discussion Council recommended that no exclusions will be lifted and no exemptions will be made.

Western Washington Indian Employment Training Program (WWIETP): Kevin presented. In general, the Legal Department proceeded, at the request of the Board, and with the approval of Council, on four fronts: (1) to protect the WWIETP and DOL assets; (2) to avoid or minimize the interruption in grant-services; (3) to evaluate the alleged bad acts; and (4) identify risks and take corrective actions.

In summary, (1) to protect the assets, is complete; (2) to avoid or minimize interruption, now depends on Board action, namely, to engage a new executive director and/or engage an interim operator; (3) to evaluate the alleged bad acts, is complete, so far as the Legal Department is capable, and further steps are to be taken (a) by the contract forensic accountant at the behest of the Board and/or (b) by the Office of the Inspector General and the Federal Bureau of Investigation and (4) to identify risks and take corrective actions, is complete but for new on-board training by the DOL for Board members, including training in grant compliance, financial review, and not for profit board oversight responsibilities.

The status report concludes with recommendations. The primary recommendation is that the Board needs to select and engage an individual or entity to implement the DOL grants. If the DOL grants are not active and services are not being provided within 60 days, WWIETP is at high risk that DOL will withdraw the grants and/or individual tribes will withdraw and seek alternate means to access the grant funds. The further recommendation is that the Board accept the DOL's commitment to provide on-board training for all Board members with respect to their duties as board members, including oversight and compliance review, internal controls and best practices for grants.

Arnold asked if Kevin will send a bill to WWIETP for all his work. He would like to see them billed for his work done on this case.

Marvin suggested that if the tribe wishes to keep using WWIETP, then Squaxin take it on ourselves. If Squaxin continues as is, then it would be wise to replace the Squaxin representative on the Board.

Kevin will set up a meeting with Department of Labor to discuss pulling back from WWIETP.

After discussion, Council decided it would be in the best interest of all parties to change the WWIETP delegate to Vicki Kruger. Jeremie moved to appoint Vicki to the WWIETP Board as the tribes delegate. Vince seconded the motion. The motion carried unanimously. *(Note: Resolution #20-03 was later created to reflect this change; appointing Vicki Kruger as the delegate and maintaining Astrid Poste as the alternate on the board.)*

Council discussed the failure of the board to oversee staff and moved to replace the current delegate June Krise, with Vicki Kruger. Jeremie moved to appoint Vicki Kruger to the WWIETP Board. Vince seconded the motion. The motion carried unanimously.

Kevin updated on the Edwards Tidelands cleanup. They have agreed to set aside \$50k for the clean up. Council approved the addendum to the purchase sale agreement.

TRIBAL LIAISON UPDATE

Ray provided a land acquisition update.

Ray handed out some reading material on The Association of Washington Tribes (AWT).

Ray gave a quick legislative update and meetings he will be scheduling.

Ray gave an update on the Billy Frank Trail: all sign information has been submitted and looks good. The plaque that the City of Olympia will be installing regarding Squaxin Land is also nearly ready.

Ray brought up scheduling lunches and dinner meetings with the local Councils. Jeremie asked about including the Shelton Council. Ray will work on scheduling that.

Ray shared he will be flying to San Diego on Monday to meet with suppliers for the Skookum Creek Tobacco Board.

Marvin asked for clarification with the decision on the Tourism Board. Council agreed to move Tourism to the MLRC and be overseen by the MLRC Board, with a review after six months. Marvin will email the budget to Council.

Oxford Home discussion: Marvin reported that there are two tribal members who need accommodations and are working with the Vulnerable Adult Program. One is currently in a temporary home; the second one is in need of a place to stay. Marvin would like to talk to the caretaker of the Cunningham house and see about moving this person into that house. Charlene asked if there is something else that can be done with that house? Marvin would like to research each tribal property and see what the intent was for those pieces. He would like Council to consider him placing that tribal member at the Cunningham House.

Housing & Homeownership: Marvin shared there are a couple of homeowners on the low income side, who don't have the money to fix their own home. They are looking into SPIPA grants, but they are a couple of months out and these needs are immediate. Arnold also wants to see better education for homeowners on preventive maintenance. Marvin is anticipating about 6-8 more homeowners that will have this issue.

Marvin presented a request to help pay the Funeral Home cost of past employee Steve Lehman. Marvin shared what has already been spent on that funeral. Council said that in order to remain consistent, they cannot cover any additional costs.

Marvin wants to look in to renovating the Rock Church with the idea of holding funerals there. He will start looking at that option.

Work session next Friday: Council would like to look at the "parking lot" items and provide Marvin with their top 10 requests.

Charlene asked about allowing homeless tribal members to camp on vacant tribal land. Vicki suggested the Cunningham House.

January 17th is the Youth Council General Body Meeting.

There being no further business, the meeting adjourned at 3:23 p.m.