



**Tribal Workgroup Meeting Notes
November 3, 2009**

ATTENDEES

Tribes

Nathan Schreiner, Squaxin
LeAnn Easton, Samish
Aubrey Seffernick, Miller Nash
Kelly Croman, Marine View Ventures
Deryl Brown-Archie, Muckleshoot
Rion Ramirez, Port Madison Enterprises

Governor’s Office

Craig Bill
Rebecca George

Liquor Control Board

Pat Kohler
Rick Garza
Alan Rathbun
Pat McLaughlin
Pat Parmer
Margee Thompson
Karen McCall
Kathe McDaniel
Sharon Foster
Ruthann Kurose
Frances Munez Carter

LICENSING WORKGROUP

Alan explained the intent of the licensing Memorandum of Agreement (MOA) is to establish an umbrella authority for tribes that have on or off premises sales. LCB’s intent was to grant as much flexibility as possible to the tribes, at the same time ensuring our public safety goals are followed.

Alan explained that the three main disagreements between his draft and feedback received on behalf of the tribes from Nathan are:

- Concept of notification of local authority
- Jurisdiction and the process if there is a violation
- Fee – license or annual and amount

Nathan and Alan walked through the draft MOAs and discussed the suggested changes. Below are the comments and action items:

• Section II – Purpose

ACTION: Kelly and Alan will work on the Treaty language/edits and add this section to the **Workgroup Recommendations** document for November 20.

• Section III – Terms of Agreement

1. Approved with recommended edits

• Section III – Terms of Agreement

6. Dispute Resolution – The LCB shared that under the enforcement adjudicative process the Board is used to a single authority and in the Tribe’s recommended changes it is not clear what the process looks like under a circumstance where an approved location receives a violation. The LCB would be more comfortable if we knew what the process looked like, if it was effective, how it dealt with all parties (licensee and server), and that it guarantees it meets our public safety mission.

Nathan responded that there is a wide variation of how tribes do business from site to site. When we know what that process is going to be; dispute resolution or something else, we will share it with the Board. This may have to be done individually with each tribe (enforcement protocols). Tribes may be willing to come up with other processes that the LCB may not think of due to tribes having more flexibility.

The tribe shared they may have one path for individuals with violations and a different standards for tribal facilities. It would be a dispute resolution process unless the violation is against the individual server. The tribe shared the process will include a provision that allows for removal of the liquor license.

- Section III – Terms of Agreement

2.C. The tribe shared that the spirit of cooperation that exists today could change over time, therefore they are suggesting adding the language about the ‘intergovernmental courtesy’ notice to reinforce what we have in place today.

The tribe questioned the local authority’s Right to Notice vs. Right to Object and if they don’t have jurisdiction they should not be notified or instead be notified as a courtesy only (intergovernmental courtesy) and not be given the right to object. The tribe asked if the Board gives special weight to an objection from a local authority. Yes, the Board does give that objection more weight.

There was a discussion on local authority’s jurisdiction and that LCB can’t just create jurisdiction. **ACTION: Deryl will work on rewording the local jurisdiction language to establish an interpretation of the definition of local authority in the absence of jurisdiction and send to Alan for review and further discussion with LCB staff and LCB Assistant Attorney General.**

The tribe asked what is the expectation of the tribes regarding the written notice to tribes when a new non-tribal licensee plans to open or relocate adjacent to Indian Country. LCB explained that the tribe would have weight like any local jurisdiction and that the notice is similar to the tribal suggested intergovernmental courtesy notification.

The tribe asked LCB what would we do if we receive objection from a government entity that is not considered the ‘local’ jurisdiction. LCB responded that this input would be treated like input received from citizens. All citizen input is taken into consideration before a decision is made.

The tribe asked if there is a specific form sent/used to object to a new license or renewal. Alan said yes there is a specific form and explained the contents of the form.

- Section III – Terms of Agreement
5.A. All agreed that the suggested changes apply to the federal law and make a more accurate statement.

Unless noted all other sections of the MOA were agreed upon. **The revised MOA, with input from the tribe, will be resent to all workgroup members for final review – Alan Rathbun.**

GOVERNMENT TO GOVERNMENT CONSULTATION POLICY – Draft 8

Pat Kohler reviewed draft 8 of the Government to Government Consultation Policy and asked for any changes from the workgroup.

- Page 4, Licensing of Tribal On-Premises Sales in Indian Country
The tribes made the suggestion to add ‘Off’ premises in addition to On premises, this will address the grocery stores (beer, wine). Pat Kohler and Alan will redraft the language to include the suggested change.

The Government to Government Consultation Policy will be approved and signed by LCB Director Pat Kohler and Board Members Sharon Foster and Ruthann Kurose. It will be shared at the November 20 meeting.

PROPOSED STORE NOTIFICATION PROCESS

Pat McLaughlin reviewed the latest store notification process draft. Pat McLaughlin also shared a couple of examples of where we have notified tribes even though they are not within 5 miles or are not the local jurisdiction:

Ex 1: College Street and Yelm Hwy CLS in Lacey – LCB provided a written courtesy notification to the Nisqually Tribe.

Ex 2: Winlock CLS – There is no tribe in the market area, however, the Cowlitz Tribe has a presence in the Winlock community and was therefore notified of the contract liquor store.

Pat McLaughlin explained that the LCB struggles with confirming where tribal land is, LCB has limited insight into trust land presence. He shared that LCB has been working with the Governor’s Office to get usable maps that have the trust land information.

The tribes shared that many tribes have land and/or interest in other areas (tribal land).

To ensure tribes are not overlooked in the notification process a suggestion was made to create a zip code data base to use when notifying tribes of new/relocating stores. Tribes would let LCB know what zip code/market area they are interested in, and can

opt in or out of the notification process at any time. LCB will remind tribes on a yearly basis to update their areas of interest, if needed.

Pat McLaughlin will draft the language for the letter to the tribes explaining the new notification process. At the same time we are working with Craig Bill to obtain up-to-date map information. The letter will either come from LCB or Craig Bill from the Governor's office.

The Store Notification Process will be approved at the November 18 LCB Board meeting and presented at the November 20 meeting.

STORE SITING POLICY

Pat McLaughlin reviewed the draft Store Siting Policy.

Kelly shared that the tribes are interested in a long term policy to address if the tribes want to have a liquor store they can get them. The tribes would prefer this to be in a policy statement.

Pat Kohler shared this concern is addressed in the second paragraph of the Government to Government Consultation Policy. Pat Kohler suggested to wait and see how the current Siting Policy and Government to Government Policy work. If at a later date we need to revisit or fine tune the policies then we can do that. Kelly agreed to Pat's recommendation.

The Store Siting Policy will be approved at the November 18 LCB Board Meeting and shared at the November 20 meeting.

TRIBAL WORKGROUP RECOMMENDATIONS – NOVEMBER 2009

2. Add language about tribes without treaty information.

4. The LCB has access to state maps which indicate Tribal reservation land **boundaries** but the maps do not include **other** trust lands.

Outcome: The LCB will work with the ~~Federal Bureau~~ **Governor's Office** of Indian Affairs....

Add zip code data base notification process to the Store Notification Process.

5. LCB should create a Tribal Advisory Council compromised of representatives from ~~the 14~~ **all interested** tribes...

The LCB should work with ~~the 14~~ **all interested** tribes...

LCB will make all changes and sent out revised draft to the workgroup for their final review.

NEXT STEPS:

- Update MOA – Alan Rathbun – with input from the Tribes
- Update Store Notification Process – Pat McLaughlin
- Update Store Siting Policy – Pat McLaughlin
- Update Recommendations Document (present at November 20 meeting) – LCB
- November 20 meeting with Tribal Chairs and LCB Chair.