



## Tribal Workgroup Meeting Notes July 21, 2009

### ATTENDEES

#### Tribes

Jerry Allen, Jamestown S'Klallam  
Chris Masse, Miller Nash  
Toni McCullough, Lummi  
Kelly Croman, Marine View Ventures  
Madrienne Salgado, Muckleshoot  
Deryl Brown-Archie, Muckleshoot  
Rion Ramirez, Port Madison Enterprises  
Raymond Dodge, Quinault  
Mike Moran, Samish  
Nathan Schreiner, Squaxin

#### Governor's Office

Rebecca George

#### Liquor Control Board

Ruthann Kurose  
Pat Kohler  
Rick Garza  
Alan Rathbun  
Pat McLaughlin  
Pat Parmer  
John Redal  
Debi Besser  
James Lunsford  
Karen McCall  
Sharon Hendricks  
Mona Moberg  
Holly Longo

### LICENSING WORKGROUP

Below are the discussions and action items from the Licensing workgroup:

- If want to use COA process (uses MLS), a new privilege code would need to be created for tribal license. A UBI is assigned in MLS and renewals are sent automatically vs. manual process. The rest of the MLS process would work as normal.
- MOA draft appears more rigid/inflexible vs. providing more flexibility. Rion viewed the MOA to include the umbrella approach.
- **ACTION: Move forward now with getting new privilege code (COA model).**
- **ACTION: Develop draft MOA with a subgroup consisting of LCB and tribes to create a "general" draft MOA model that addresses key terms and activities. Squaxin MOA is a good model to start with. Nate will verify using these MOA's. Kelly, Deryl, Nate, Toni, Rion volunteered to work with Alan on a subgroup to draft the MOA and come back to the August 11 meeting for the group to review.**
- We could use the sports/entertainment license for casinos. Would ask tribes to develop a tribal level casino operating plan. This would be doable in the interim, we would just need to change/modify the law to use this license type.

- Recognize possible implication of impact on current agreements (for liquor sales) if new MOA conflict with existing agreements. Operating plan might include:
  - Physical location (on premise / off premise)
  - Description of how to prevent sales to under 21 and intoxicated persons
  - Tribal ordinance
  - Staff training on alcohol
  - Special event circumstances/conditions
- Ensure all 29 tribes are at the table and treated equally.
- Issue is how to create an authority model that incorporates principles of the different license types.
- Not clear to tribes why local government has authority to object to tribes request for stores.
- Should tribes vs. LCB take on the role to communicate with communities about request for new store/location? This could be part of the MOA to describe communication protocol and who is responsible for the communication.

### **BUSINESS ENTERPRISE WORKGROUP**

Below are the discussion and action items from the Business Enterprise workgroup:

- **ACTION: LCB give the number of stores operating (# today vs. # allowed currently in agreement) per tribe.**
- **ACTION: How many agreements have "radius limits" for additional stores. Kelly has also developed a spreadsheet with similar information. Pat will send her our spreadsheet to incorporate with hers.**
- How can tribes who have been denied a store be able to get the tax exemption afforded to tribes with stores (set in contract agreement)? This would require discussion with DOR and Gov Office.
- How do we get a good tribal map? DNR has good map and Everett BIA map shows tribe used.
- Four areas we consider for placing new stores:
  - Geographic location
  - Historical experience (impact to safety)
  - Financial performance/projected revenue
  - Any community issues (i.e. alcohol impact areas)
- State stores are generally placed in higher populated areas. "Hybrid" contract stores have different performance standards (more SKUs).
- Is it more profitable to be a contract store vs. tribal store?
- **ACTION: Pat M. will review the numbers and share what he learns.**

- The store siting flowchart does not address problem of how a tribe gets a store who has been denied in the past. Process flow was not an attempt to address tribal store requests. It was to address the market need types. LCB recognizes this is an unresolved issue, which we are trying to resolve. (Kelly does not see where the government to government consultation takes place – tribes allowed to comment, but need the consultation).
- **ACTION: LCB develop a broad formal policy on government-to-government consultation. (Kelly will provide samples of what a consultation policy looks like).**
- When a tribe requests a store and there is a contract and/or state store already there, then we should look at moving or not renewing a contract when the term is ended and giving the tribe the opportunity for that location.
- Key frustration noted was a liquor store on tribal land that is a non-tribal store.
- Draft store siting policy does not address how tribes get stores. Include how a tribe getting store is a priority, but siting a non-tribal store on Indian Country should be avoided (make sure tribes notified of possible store interest).
- **ACTION: LCB develop a contact list (verify email addresses and contacts with the Rebecca from the Governor's Office). Contact the chairs and "cc" the workgroups to identify tribal land.**
- New stores list potential conflicts are Nisqually (Yelm Hwy store).
- **ACTION: LCB look at having an allocation process for those who don't have a liquor store and how they can service their own tribal licensees who don't have a contract store model.**
- Transition plan to allow tribes to sell liquor – allow them to sell XX gallons per tribal adult (as way to move towards tribal store). (Toni proposal)
- Servicing other licensees is a component that weren't really looking at in the past, it was mostly looked at by servicing tribal members.
- Dispute resolution provisions (i.e. mediation/court) should be part of agreements to avoid litigation. Agreements give good examples.

## NEXT MEETING – August 11, 2009

### Topics of Discussion:

- Every tribe getting stores (don't want these stores to only serve tribal members)
- Consultation Process (Tribes take lead on providing examples; LCB develop process to correlate with ours)
- Allocation Process (based on population, tax advantages)
- Review draft MOA language from sub-workgroup

hml (7/21/09)