



**Tribal Workgroup Meeting Notes  
August 11, 2009**

**ATTENDEES**

**Tribes**

David Neubeck, Lummi  
Toni McCullough, Lummi  
Chris Masse, Miller Nash  
Aubrey Seffernick, Miller Nash  
Kelly Croman, Marine View Ventures  
Madrienne Salgado, Muckleshoot  
Deryl Brown-Archie, Muckleshoot  
Rion Ramirez, Port Madison Enterprises  
Raymond Dodge, Quinault  
Mike Moran, Samish  
LeAnn Easton, Samish  
Lynn Claudon, Snoqualmie  
Ted Knight, Spokane  
Nathan Schreiner, Squaxin

**Liquor Control Board**

Pat Kohler  
Rick Garza  
Alan Rathbun  
Pat McLaughlin  
Debi Besser  
James Lunsford  
Karen McCall  
Sharon Hendricks  
Kathe McDaniel  
Mona Moberg  
Holly Longo  
Margee Thompson

**Governor's Office**

Rebecca George

**LICENSING WORKGROUP**

Kelly Croman thanked Alan for coordinating a meeting of Chris, Nate and herself with the Uniform Business Identifier (UBI) Board to discuss tribal concerns and the potential issuance of a new tribal privilege code. This process will require programming of the MLS data system but may be a solution to some of the tribal concerns.

Chris Masse walked through the draft MOA that was developed by the tribes. Below are the comments and action items from the Licensing Workgroup.

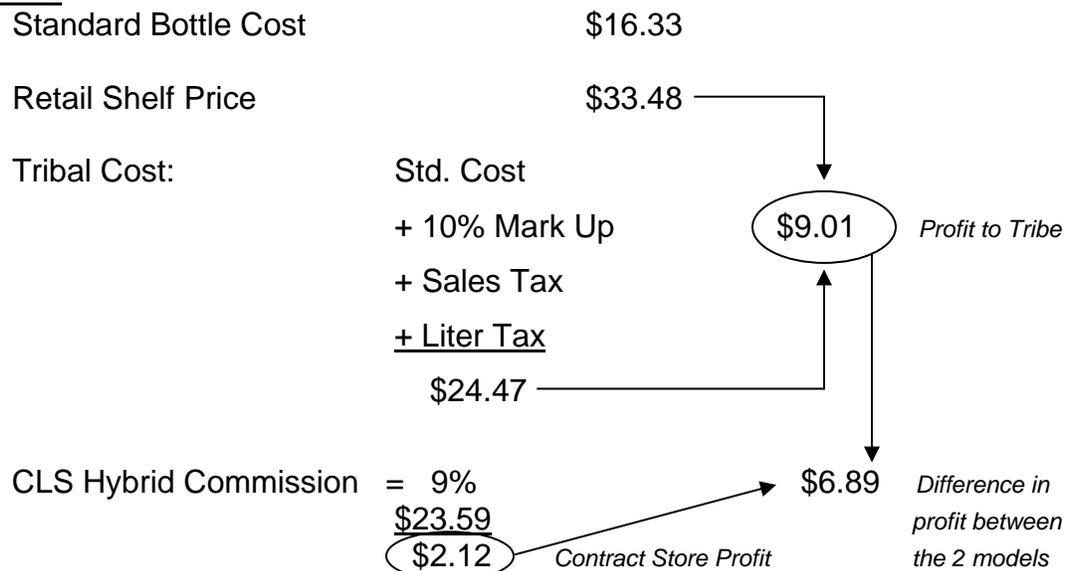
- The draft MOA is only focused on licensing (does not include store siting, taxes, etc.).
- Not clear in the MOA how an objection (by local jurisdiction) is dealt with (section III.2.c).
  - Currently objections are handled differently for private citizens vs. local jurisdiction. A hearing can be granted for local jurisdiction objection.
  - More criteria for "renewals" to Board can act or object (like non-renewal decision).
- The subgroup needs to further discuss this issue (objections who can make them – outside reservation vs. tribal member within a checker board land types).
- Tribe acts as "entity" and certifies required factors are met (section III.3.b) because tribal governments have that experience.
  - Question – how would tribal government regulate certification differently than it is done today?

- Given that the LCB has had little time to consider this plan, additional time is necessary for the LCB to submit their comments and concerns.
- Not all tribes would necessarily have the same tribal “body” that does the certification.
- The “control” structure for certification is more important to LCB than “who” within the tribe makes the decision.
- LCB would need to clarify what info Enforcement and agency would need (section III.4.c).
- Section III.4 (a,b,c,d) Board and each tribe needs to further define.
- Section III.5.a how are background checks handled today? Would fee be necessary for tribe if license not issued by LCB.
- No agreement yet whether tribes would license entities owned by tribal members rather than the tribe.
- Section III.4 how would MOA handle emergency closures due to public safety issue – likely will vary by tribes.

**BUSINESS ENTERPRISE WORKGROUP**

Below are the comments and action items from the Business Enterprise Workgroup.

LCB Cost Model:



- **ACTION: LCB revise matrix to reflect Lummi and Nooksack stores operating. Verify Swinomish agreement specifies radius limits for state and contract liquor stores.**
- **ACTION: LCB identify a more accurate dollar figure (i.e. cost) of what the state makes when deducting operating costs (i.e. credit card fees, inventory carry & cost, credit card equipment).**
- The LCB is considering creating a Tribal Advisory Council that would meet regularly (similar to Business Advisory Council-BAC). All tribes would be notified of meeting and can attend if wish since they would be public meetings. Meeting would be co- led by a tribal leader and LCB chair.
- In addition to having a Tribal Advisory Council, could a tribal member be part of BAC? If there is interest, we could ask the Board. We wanted to treat tribes differently than our regular stakeholders is why we're proposing a Tribal Advisory Council, which is keeping the government-to-government relationship.
- **ACTION: LCB share the charter, website and minutes for the BAC to the tribal workgroup.**
- Tribal workgroup representatives did not feel the Government-to-Government Consultation Policy needs signature by tribe since it describes how LCB will work with them government-to-government.
- Page two of the Government-to-Government Consultation Policy should reference federal regulation as authority for liquor on tribal land vs. the state authority. Page two does not need to reference the Colville decision.
- Centennial Accord portion of the Consultation Policy should be moved to the front of the document with the Purpose.
- **ACTION: LCB will send the workgroup electronic copy of draft Store Siting Policy and Consultation Policy so the workgroup can send LCB comments for changes, additions, etc.**
- The Board Store Siting Policy could be broad and allow room for tribes to submit their ordinance that describes criteria for their (tribal) store siting decision. Within Indian Country explains their process that meets the Board's policy.
- The draft policy does not meet the needs of tribes – members did not view it as addressing their key concern of how the tribe can take over a contract liquor store when the agreement term ends. The LCB expressed their desire for everyone to recognize and respect the state liquor control model principle (which includes limits on stores).

- The fundamental concern around store siting for tribes is the sense that the tribal governing body has no “decision” in store siting even though it is part of the tribe’s economic development plan.
- **ACTION: Workgroup members are asked to identify any conflicts/ issues with Store Siting Policy wording. Send feedback to Pat McLaughlin ([pdm@liq.wa.gov](mailto:pdm@liq.wa.gov)) by August 24.**
- There may be a need to spell out in the policy that tribal store siting will be made as described in MOA or tribal ordinance.
- Need to bridge the gap between Government-to-Government Policy and goal for any tribe to get a store and Store Siting Policy that may present a tribe from ever getting a store.
- In Consultation Policy, may want to use more “broad” language under “Purpose” to describe working with each tribe to reach agreement on sale of liquor on tribal land.
- Generally, like the idea that LCB commits to a liquor store for each tribe, but concerned about the language around just getting one store.
- Policy doesn’t address when deciding between a contract store location vs. a tribal store.
- **ACTION: How many contract stores are located near tribal lands? What are their terms (i.e. when is their contracts up)?**
- **ACTION: Would the tribes need to compete for a store when a contract store becomes available?**
- **ACTION: Kelly, LeAnn and others email Pat McLaughlin ([pdm@liq.wa.gov](mailto:pdm@liq.wa.gov)) by August 24 with some language for the policy to address the desire for tribes wanting liquor stores.**
- What do we want to have reflected in the Store Siting Policy vs. Consultation Policy? How do we go about bridging these two policies?
- Tribes will consider adopting a “tribal” store siting policy/ordinance with respect to each tribe.

**NEXT STEPS:**

- August 31 meeting will be used for further review of the Government-to-Government Consultation and Store Siting Policies.
- Licensing workgroup will meet separately on a different day.