

**SQUAXIN ISLAND TRIBAL
COUNCIL MEETING
October 20, 2011**

Attendance:

Tribal Council

Dave Lopeman	Chairman
Arnold Cooper	Vice Chairman
Andy Whitener	Treasurer
Pete Kruger, Sr.	Secretary
Ray Peters	1st Council Member
Jim Peters	2nd Council Member
Charlene Krise	3rd Council Member

**Legal Counsel
Tribal Administrator
Recording Secretary
Director of Operations
Others Present**

Kevin Lyon
Don Whitener
Melissa Puhn
Kathy Block
Liz Kuntz (*Housing*)
Lisa Peters (*Housing*)
Mike Evans (*Chief of Police*)
Lorraine Van Brunt (*Family Services Director*)

Kathy Block went over the protocol that Housing goes through when testing reservation houses for meth. Three houses tested positive this month; Council wanted to discuss ways to fix this problem.

Once a house is identified as contaminated, the tenant is notified they have 24 hours to vacate the house and an eviction is pursued. In a case where a house a tenant vacates a rental, if the house tests positive, the house is cleaned before the next tenant moves in.

Kathy and Kevin previously met to discuss weaknesses in the housing code that deals with these conditions. It is not in the code where a tenant is immediately removed from the house when the house tests positive.

Housing staff attended training on Monday regarding this as a public health issue. Legally the renter is responsible for all charges, regardless who is at "fault." Council would like the housing code so strict that children are immediately removed from the home, and ICW is notified.

Charlene asked about being able to tell if a house was used to cook or just use. Kathy shared that a cooking house creates a lot of corrosion in the house. All three homes that were tested were user homes. Arnold asked if someone is exposed to meth, can they track the contamination to their own house. Mike stated that it might spread, but not at a testable level.

Bob asked if the IEI rentals are tested, and Kevin stated that it is included in the agreement.

Ray asked about cases where states will seal off the house and they are immediately evicted. Ray would like to have that eviction wait time lessened, for a public safety concern. If a test comes back positive, would like it immediately evicted. Board the house up and don't wait for the eviction process.

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Kevin shared that Council can adopt Mason Counties procedures, which once a house is tested positive the house is immediately vacated and sealed off. Ray wants to make sure that once a house is tested positive there is no lag time in vacating the house, unlike what the code is today.

Kevin brought up that if a house is tested positive, the tribal member will immediately be displaced and their argument will be its “not their fault.” Will they be held responsible and will they lose their property if they claim they were not responsible? Jim stated that if Council sets the standard; same for conveyed homes and rentals, he doesn’t care who is abusing; the owner/renter who signs for the house is responsible for the house and all actions taking place inside. Every home owner and renter needs to know that if they cannot control the actions inside their home, they need assistance from Law Enforcement. It is not acceptable that Housing spends around \$20,000 just to clean up a house. No tolerance needs to mean no tolerance. The homeowner is responsible.

Liz shared that everyone who is in the Housing Wait List attends a class Tools for Success. They are taught the rules and responsibilities of being a tenant and they know they are responsible for all activities that happen in their home. That is part of the contract they sign when they move in.

Andy shared that he sympathizes for the youth who are involved, then displaced. Ray shared that ICW will come in and the tribe has mechanisms in place to deal with those situations. Ray added that a renter cannot claim ignorance to the activities in their home. There will be absolutely no tolerance.

Ray also would like to see a Public Notice sent out, when a house tests positive so that the community is aware. Kathy stated that the policy needs to apply to conveyed homes as well, and will be included in the lease agreements.

Liz asked that in the case where Law Enforcement enters a conveyed home and sees drug paraphernalia, will they be allowed to sample the home. Council stated that the conveyed homes are still part of Squaxin land, so yes. Kevin made two suggestions: if Council adopt Mason County's code, it will be implemented by Squaxin and it will call for someone to be a decision maker, typically a health officer. The health officer has the ability to go in, inspect and test homes. The test then comes back within 24 hours. Kathy added that the instant read tests are not 100% accurate. Liz shared that all Housing staff have been trained and can act as the health official.

Arnold asked if a conveyed home is tested positive, is the homeowner evicted. Kevin stated that this code change would apply to all properties within Squaxin jurisdiction. Once tested, and evicted, nobody can remove anything from the home until a decision is made. Jim asked if the conveyed owner would be responsible for the clean up. Liz stated that according to Washington State Law, it is up to the property owner to be responsible for the clean up, and the house is sealed until the test is safe. Kathy added that once the code is adopted they can work out the details.

Dave Lopeman called the meeting to order at 1:38 p.m.

Ray Peters made the motion to adopt Washington State RCW 64.44.040* and WAC 246-205-570* implementing regulations as Squaxin Island Tribal Law effective immediately, as implemented by Squaxin Island Tribe. Jim Peters seconded the motion. The motion carried six (6) in favor and zero (0) against.

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Ray commented that the tribe has resources to help tribal members. If someone is displaced out of their house they will need resources; the tribe has that available and they will be able to utilize Family Services in getting help. Arnold stated that his main concern is getting help for the youth who are unfairly put in this position. Lorraine will work on strengthening the Youth Code in order to match this code change. Arnold added that it does not matter who the family is, if a house is tested positive for meth, the person who is responsible for the house, is responsible.

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Kathy shared some handouts regarding the Elders Program. She wanted to provide an update to Council of the changes that were made. She shared an organization chart for Family Services that outline all staff. With the problems that have come out of the elders program, she and Lorraine concluded that they would like to have a supervisor on site. Janita is the Prevention and Wellness Coordinator that was on half time. With the caregiver grant, there were funds to have Janita on full time for the Elders Program Site Manager; Colleen is the Elders Activities Coordinator. Janita oversees Colleen and the cooks. Janita is jointly creating menus with the cooks, and Kathy feels that the meals have improved. Arnold asked why this position was not advertised and Kathy stated that it is not a new position, only added duties for Janita.

Ray thinks there is a perception problem with the elders. He suggested this should be explained to the elders so they know that that none of their authority was taken away.

Kathy shared that at the last elders meeting; the elders were upset with all the changes. Rather than focus on the Janita and space issues, she tried to do a positive approach, and show a year-end review. She has been speaking monthly to the elders group with the work that they've been doing to improve their program.

Initially Colleen agreed to the office move, and was okay with the space that she was moved in to. Janita moved in to Colleen's old office, and they are also working on rearranging the building to allow for more space. Having a second person there will allow for the building to always be open.

Kathy shared that she asked Janita, Lorraine and Colleen to meet and come up with office options for Colleen. There are several options including building a wall, or a modular wall that could be added with a window, etc.

Kathy shared that the elders called an emergency meeting. They are upset because they would like to have chosen the interior paint color of the building. Kathy stated that she chose the color of neutral beige, since she didn't think it was that big of deal.

Kathy stated that administratively, she was just trying to provide additional services to help stop the negative behavior with the elders. Kathy has observed Janita in her position, and feels that she is motivated and professional. She felt having a supervisor in that building would be important, and Janita was a good fit. She provides an essential function to the elders. Don added that he asked Kathy to look at ways to improve the program, and thanked her for the work that was done on this program. Ray stated that anything having to do with the elders is important to the elders, including office space and color choice. They should be consulted with all changes. Kathy shared that the Elders Board was aware of the changes. Kathy would like to bring in the employees to talk about being positive and

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not stirring the pot. Employees need to be at a higher level and be positive and supportive, including treating each other with dignity.

RCW 64.44.040

- (1) *Upon issuance of an order declaring property unfit and prohibiting its use, the city of county in which the contaminated property is located may take action to prohibit use, occupancy or removal of such property; condemn, decontaminate or demolish the property; or require that the property be vacated or the contents removed from the property. The city or county may use an authorized contractor if property is demolished, decontaminated or removed under this section. The city, county or contractor shall comply with orders of the health officer during these processes. No city or county may condemn, decontaminate or demolish property pursuant to this section until all procedures granting the right of notice and the opportunity to appeal has been exhausted, but may prohibit use, occupancy or removal of contaminated property pending appeal of the order.*
- (2) (a) *It is unlawful for any person to enter upon any property, or remove any property that has been found unfit for use by a local health officer pursuant to this code.*
(b) *This subsection does not apply to health officials, law enforcement officials, or other government agents performing their official duties, authorized contractors or owners performing decontaminates pursuant to the authorization by the local health officer, and any person acting with permission of the local health officer, or a superior court or hearing examiner following an appeal of a decision of the local health officer.*
(c) *any person who violates this subsection is guilty of a misdemeanor.*
- (3) *No provision of this section may be construed to limit the ability of the local health officer to permit occupants or owners of the property at issue to remove uncontaminated personal property from the premises.*

WAC 246-205-570 Decontamination

- (1) *An owner of contaminated property who desires to reduce the contamination shall use the services of an authorized contractor unless otherwise authorized by the local health officer.*
- (2) *The local health officer shall provide the property owner with a list of authorized contractors upon request.*
- (3) *When an authorized contractor is required for decontamination, the property owner shall have a written work plan approved by the local health officer before starting decontamination.*
- (4) *When an authorized contractor is required for decontamination, the contractor shall prepare the work plan in accordance with this chapter and chapter 64.44 RCW. When the local health officer determines the services of an authorized contractor are not necessary, the local health officer shall take appropriate measures to ensure the property is decontaminated consistent with the purposes of chapter 64.44 RCW.*
- (5) *The property owner or the contractor shall decontaminate the property according to the approved work plan and to meet the decontamination standards described in WAC 246-205-541.*
- (6) *The property owner shall be responsible for:*
 - (a) *The costs of any property testing which may be required to demonstrate the*

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presence or absence of hazardous chemicals;

(b) The costs of the property's decontamination and disposal expenses, as well as costs incurred by the local health officer resulting from the enforcement of this chapter;

(c) Keeping records documenting decontamination procedures and submitting notarized copies of all records to the local health officer; and

(d) Petitioning the local health officer to review the decontamination records and to declare the property decontaminated.