



Quil Ceda Village

Regular Council Meeting

July 17, 2024

Minutes

Call Meeting to Order 10:03AM

President Glen Gobin – Present

Council member Debra Posey – *Absent*

Council member Marlin Fryberg Jr. – Present

President Gobin states we have a quorum and asks if there are any addition requests before we adopt the agenda. Hearing none:

1) Motion made by Council member Fryberg to adopt the agenda for the regular Village Council meeting of July 17, 2024 as presented.

Seconded

Ayes 2 Nays 0

Motion Carried

2) Motion made by Council member Fryberg to adopt the regular Village Council meeting minutes for the meeting held on July 1, 2024 as presented and corrected.

Seconded

Ayes 2 Nays 0

Motion Carried

Visitors

Discussion: Jehrad Kimble, Tulalip Tribal Court, Chief Judge Meredith Drent, Tulalip Tribal Court, President Gobin, Council member Fryberg, Kevin Jones, General Manager, Jennifer Flores, Village Clerk, William Santos, Tulalip Tribal Police, Jereme Gobin, Utilities Manager, Michele Robbins, Paralegal

3) Tulalip Tribal Court 2023 Court Service Presentation

Village Council Meeting

July 17, 2024

Chief Judge Drent and Court Director Kimble prepared a PowerPoint to share court filing data from 2023. The summary of criminal and civil infractions filings is 70.2% of all cases filed in the Tulalip Tribal Court. Quil Ceda Village (QCV) cases are included in criminal and civil infraction filings for 2023, QCV cases made up 35.5% of all criminal and civil infraction filings for Tulalip Tribal Court. QCV contributed \$319,278 to the 2023 budget. Monetary equivalent of QCV cases compared to Tribal Court's hard dollar budget is approximately \$909,000. The data provided is 2023 only, and the Tribal Court hard dollar budget was \$3,649,637. The total case filed in 2021 906, 2022 870, and in 2023 1027, of those case files 255 were criminal, and 466 were civil infractions. In 2023, 40 criminal cases were filed. Question from Village Clerk Flores, how many of the court filings stem from gaming infractions. Chief Judge Drent replies that data should be on the next slide, total Gaming Infractions were 216 in 2023. President Gobin states that Quil Ceda Village is not responsible for the gaming operations or its oversight, so requesting payment for those infractions should not be directed to the Village. The request for payment should be sent to the Tulalip Tribal Council, then asks how much money the Court is seeking from the Village. Court Director Kimble replies we're asking for \$590,248.00 for 2023, and an adjustment for 2024 because we thought the budget was approved for \$605,000 for 2024. The Court is busy, and currently supports a mental health and wellness program. The Court needs to plan the opening of a third courtroom to support the growth of those programs. President Gobin states that the Tribe should be funding that program, but the Court is stating that QCV is not paying their fair share. If the Court receives the 590 thousand, will they stop soliciting for funds to expand their court, or come back and ask for additional funding? How is the Court functioning with that kind of shortfall? Chief Judge Drent replies, they get creative with staffing. President Gobin states that Gaming functions separately from the Village. Pooling gaming costs together with QCV, when they have no say over that or have control of the monies that come from Gaming, it comes from the Tribe. Council member Fryberg suggests a full Public Safety and Justice meeting with all entities to discuss this matter further. Then asked if Tulalip Gaming Agency (TGA) has the ability to write Civil Infractions, since you have had an increase in Gaming Infractions. Commander Santos replies, yes. Several years ago, Tulalip Police Department met with TGA to talk about gaming violations and prosecuting people, the remedy for those violations were to issue Civil Infractions for the Gaming Violations. Further explained that civil infractions for gaming violations were filed through Snohomish County Superior Court, but were not always prosecuted by the County Prosecutor's office due to the location of the casino being on Tribal property. When she, Village Clerk Flores, asked how many infractions stem from gaming, it reminded me that we had an agreement with TGA to issue Civil Infractions. Commander Santos states he was under the impression that the Court earns some sort of revenue from Civil Infractions. Similar to many other municipalities, court systems earn revenue from Civil Infractions. Chief Judge Drent replies yes. The Court earned an estimated 200 thousand in revenue from Civil Infractions but cannot say the precise amount at this time. Jerome Gobin asks if all gaming infraction data is included, from the Quil Ceda Creek Casino and Bingo? Chief Judge Drent replies no. Only infraction data from the casino located inside the Village footprint is included. General Manager Jones asks how much funding they receive from TGA for the gaming infractions. Court Director Kimble responds that no funding is received from TGA for those infractions. General Manager Jones replies that he was under the impression that the Court received funding from TGA, and would be willing to pay an increase for QCV specific services. Not the full amount requested, but a standard increase. President Gobin states that the Tribal Government is over all of this and payment should come from there. Michele Robbins asked if the Court has an online payment system for violations to be paid online rather than by mail or in person. Staff replies no. The Court is not set up for online payments at this time. Michele Robbins suggested making that an option because most people do not want to pay their fines in-person or have access to checks. Returning to the PowerPoint Judge Drent explains that the total QCV filings for 2021 were 149, 2022 209, and 2023 256. There are two equations used to come up with this total. The QCV filings made up 35.5% of the total Court filings and if we subtract the 2023 payment of \$319,278, the Court is short \$590,248. President Gobin

asks how the Court is functioning right now, how much money does the Court receive in grant funding and hard dollar funding. Chief Judge Drent replies that the Court has several grants that also support their operations, then continues to explain that several staff members have extra responsibilities. Some employees fulfilling the role of more than one position. Our courtrooms are so busy that we need to open a third to support our caseload. President Gobin states that no decision will be made now because the data is not fairly presented and directs staff to schedule a meeting with all the parties and call it, "Tribal Court Budget Allocation and Funding Challenges." Quil Ceda Village does not have the funding to pay an additional \$590,000 to cover your (Tribal Court) funding request. Council member Fryberg asks if Sam (Davis) is fully aware of this budget issue. Court Director Kimble answers, yes, he was supposed to be here today. Due to his scheduling needs, we moved our presentation from last month to this month.

Public Safety & Justice

Discussion: Chief Ryan Shaughnessy, Tulalip Bay Fire, President Gobin, William Santos, Tulalip Police Dept. Lee Shannon, Office of Reservation Attorney

4) Tulalip Bay Fire Department Monthly Report

Chief Ryan Shaughnessy provides an update of the activity for the month of June. The Marysville Fire District responded to calls within Quil Ceda Village (QCV) boundaries. Our calls for service into Marysville have decreased. Tulalip Bay Fire does continue to respond to calls outside of the Reservation and outside of QCV. President Gobin asks if the calls for service are inside of the City of Marysville or within the Marysville Fire District boundaries. Chief Shaughnessy replies that the calls for service are for both, calls for within the boundaries and in the Marysville City limits. If the calls result in medical transport, Tulalip Bay Fire does invoice for those services. Those services do offset some of the additional costs provided to the Marysville Fire District. Until Tulalip can reach an agreement for annexation, those tax dollars will continue to go to the Marysville Fire District. President Gobin asks what it would take to separate from the Marysville Fire District boundaries, a legislative act or a citizen vote. Chief Shaughnessy replies, legislative. Mr. Shannon, Office of Reservation Attorney, has been assisting us with the annexation discussions. Lee Shannon explains to the Council that a citizen vote is not an option because Quil Ceda Village does not have any residents, so we will have to go a different route to capture those tax dollars. President Gobin asked what the Naval station does for their fire protection. Do they have their own staff or do they contract? Chief Shaughnessy answers that the Naval station has their own staff. Chief Shaughnessy pointed out that Marysville Fire District will be merging with the City of Everett, so that may be the perfect time to adjust the boundary. President Gobin asks if the Marysville Fire District agrees to the annexation, do you have an estimate of tax dollars the Fire District would receive and if they would have the ability to service the entire reservation. Chief Shaughnessy answers the funding would be around three million dollars. Tulalip Bay Fire would be able to provide service to the entire Reservation and would not need to build another fire station. The Council asked if Tulalip Bay Fire had any issues with Boom City this year or if the traffic volumes impeded service. Tulalip Bay Fire responded to one non-critical incident within Boom City. The Boom City Committee did fall short this year with their traffic control and maintaining a fire lane. With support from the Tulalip Police Department, traffic was managed. There was riot like conditions in the lighting area on the 4th that was not managed well. Commander Santos shares some data with the Council, the signage that the Village installed worked well this year. There were five or less groups lighting off fireworks in the parking lot across the street. Tulalip Police was able to stop them without incident. Chief Shaughnessy asked the Council if a meeting will be held with the Board and the Boom City Committee to discuss how things went. If so, Tulalip Bay Fire would like to attend that meeting to provide some insight.

5) Tulalip Police Department Monthly Report

Commander Santos reviewed the monthly report for June and nothing major stands out. There was one incident that stands out is a customer crashed their vehicle into the bingo hall. There was no damage to the building and the customer was uninjured. The Council thanked the police and fire departments for their reports.

Administration

Discussion: Chris Schmidt, TTFC Controller, President Gobin, Council member Fryberg, Kevin Jones, General Manager, Jennifer Flores, Village Clerk

6) Tulalip Tribes Cigarette Taxes Invoice

Chris Schmidt stated that he received an invoice for payment from the Cigarette Taxes. President Gobin asked who sent the invoice. Village Clerk Flores replied the invoice was sent by Brad Naweli, for the payment of \$1,000,000.00 from Cigarette Taxes for the Fisherman's Memorial project. President Gobin states that the Cigarette Taxes have restrictions for spending. Council member Fryberg asked why the Tribe sent an invoice for a million-dollar transfer. General Manager Jones replies that the invoice stems from a motion made on the General Council floor in October 2023, then ratified by the Tulalip Tribal Council. The Tulalip Tribes Finance Department then sent the Village an invoice for payment. President Gobin asks if this falls within those restrictions, then asks if paying this invoice would create a shortfall for the Village. Controller Schmidt replies yes. Payment of this invoice will create a shortfall. With cigarette sales on the decline and the payment of this invoice would result in Village unable to meet its Quarter 4 operating expenses. President Gobin directs staff to set up a meeting with the full board and finance staff to discuss this invoice. Meeting called, Fisherman's Memorial Cigarette Tax Invoice.

Finance

Discussion: Chris Schmidt, TTFC Controller, Kevin Jones, General Manager, President Gobin

7) Monthly Finance Report

The Fuel Tax income has completely offset the shortfall created from Cigarette Taxes as sales of fuel is higher than projected. The LOUT (Land Occupation & Use Taxes) Tax has been invoiced to Tulalip Tribes, but not yet received. Quil Ceda Village is reimbursed fifty percent of the LOUT received by the Tribe on an annual basis. The Restaurant Tax is down due to the construction at the Resort. Public Safety is higher than budgeted expectation, the Council will see a resolution to transfer funding from the Fuel Tax account to the operating account to offset the Public Safety payments. The Council addressed the notes for Christmas light funding and asks if the 2-million-dollar budget for the Christmas Lights Project is funding by QCV. General Manager Jones replies yes. That is in the Village's operating budget. President Gobin states that there was talk about increasing the lights for this year and mentions adding more lights along the I-5 corridor. How much will that cost? General Manager Jones responded that the Chair and Vice Chair expressed their interest to increase lighting along Quil Ceda Boulevard and 99th, but no clear direction has been given. The issue is electricity connections near those trees. The contractor went out to inspect that area and will follow-up with us with his assessment. The Council asked staff if they were working on a better traffic plan for this year. Last season the traffic backup was a safety concern. General Manager Jones replied yes. We are currently working with an agency to create a traffic flow plan and increased signage for parking. The Village met with Marci Fryberg last week to talk about traffic control, the active construction at the Resort, and light placement. We have another project meeting on August 2, 2024.

8) Motion made by Council member Fryberg to adopt Resolution 2024-36 authorizing the transfer of \$3,605,615.00 from the US Bank Cigarette Tax Account to the QCV Main Operating Account to cover the third quarter Quil Ceda Village operating budget.

Seconded

Ayes 2 Nays 0

Motion Carried

9) Motion made by Council member Fryberg to adopt Resolution 2024-35 approving the transfer of \$3,375,489.90 from the Tulalip Market Wells Fargo Fueling Station bank account to the Quil Ceda Village US Bank Fuel Tax account for fuel taxes collected from the sale of 9,110,634 gallons of fuel at a rate of \$0.3705 per gallon.

Seconded

Question: President Gobin asked is this is a transfer from TTFC to QCV? What does it fund? General Manager Jones replies that QCV is the Fuel Tax Administrator. Controller Schmidt replies it covers Public Safety for the Village. President Gobin if this transfer is normal or if this is the sum is a buildup. Staff replies the transfer is a buildup. The fuel tax transfer will be processed monthly from now on.

Ayes 2 Nays 0

Motion Carried

10) Cannabis Taxes Discussion

President Gobin states there is a lot of discussion regarding taxes today and asks what this discussion item about. Controller Schmidt responds by explaining since Remedy opened its doors, the retail sales taxes have been accumulating in the account. President Gobin asks how much funding is available and what are your thoughts on use. Controller Schmidt replied that there is an estimated 5 million dollars in the account. It is being held separate from the operating account. My suggestion is to fund the 2025 Public Safety Budget with these funds, to free up some money in the Village budget for other items. The Council asks if spending the Cannabis Taxes on Public Safety is appropriate. Lee Shannon replied, yes. Using the tax dollars on services like Public Safety is a great use of those tax dollars. In the past, we held the tax dollars because we were not sure how the government would respond to the sales of recreational marijuana in Washington. Since then, the money has been sitting there. Chris's (Schmidt) idea to fund Public Safety is an appropriate way to spend those tax dollars. President Gobin asked about the fuel taxes. What are the total fuel taxes collected for fuel sales? Staff replied the 75% amount is \$0.3705. President Gobin responds, I know what was transferred is 75% but what is the total tax. Village Clerk Flores states the current tax rate is \$0.494. President Gobin asked if it is common practice for tax payments to be withheld. General Manager Jones states the Village is the Fuel Tax Administrator. Legal replied that the liability in question should be held per compact. President Gobin asks about the remaining 25% of the taxes. Controller Schmidt replied the decision to only transfer 75% was not his. The fuel tax transfer is being processed in accordance with his predecessor's work. President Gobin stated he would address this tax issue at the proper venue. Let us get back on track and asks what would the Village do if they freed up funding from the use of Cannabis Tax for Public Safety. General Manager Jones and Controller Schmidt replied, a new Quil Ceda Village Administration Building. The modular buildings we are using now were only supposed to be temporary buildings. Council member Fryberg states that if this building were at the other end, we would have already replaced it by now. President Gobin states, since Tulalip Tribal Court is no longer part of the campus, and that was the most expensive part of building a new Administration building, let us have staff pull out those old plans. Get them up to date and move forward with planning and asks if the Village would use the same location, or will you move, or how will you keep staff working if you tore down these modular and built a new

building right here. Those are things you should know. Council member Fryberg mentions that space for growth needs to be included. General Manager Jones mentions staff will work on gathering data for current staffing needs, and Tulalip Tribal Federal Corporation departments, such as Finance and Salish Networks take up quite a bit of space right now. We may have to adjust our new campus to allow space for them. President Gobin replied, if you want to include space to lease to TTFC, that is up to you. Planning for their space is not required for you to move forward. The Council directs staff to look back at the old plans, get them updated with today's costs, and return with an update.

11) President Gobin adjourned the regular Quil Ceda Village Council meeting at 11:44am.

Staff & Visitors:

Jennifer Flores, Village Clerk
Kevin Jones, General Manager
Chris Schmidt, Controller
Jehrad Kimble, Court Director, Tulalip Tribal Court
Meredith Drent, Chief Judge, Tulalip Tribal Court
William Santos, Tulalip Police Department
Michele Robbins, QCV Paralegal
Lee Shannon, Office of Reservation Attorney
Jereme Gobin, Utilities Manager
Jacob Setterberg, Tulalip Data Services
John Kimbrough, Supply Chain
Chief Ryan Shaughnessy, Tulalip Bay Fire Department
Ryan White, Tulalip Bay Fire Department

Minutes Approved during the regular Quil Ceda Village Council meeting held on August 21, 2024.

Jennifer Flores, Village Clerk