



DRAFT MEETING NOTES

TRIBAL-STATE ESA WAC DEVELOPMENT WORKGROUP

Squaxin Island Tribe, Little Creek Resort
April 3, 2008

The Tribal-State ESA WAC Development Workgroup met for the second time on April 3, 2008 at the Squaxin Island Tribe, Little Creek Resort. The first Workgroup meeting was held on November 6, 2007 at the Port Gamble S’Klallam Tribe.

► In Attendance

The following tribes/organization were in attendance: Lummi Nation, Quinault Indian Nation, Nooksack Tribe, Port Gamble S’Klallam Tribe, Lower Elwha Klallam Tribe, Suquamish Tribe, Skokomish Tribe, SPIPA, Spokane Tribe of Indians, Upper Skagit Tribe, Confederated Tribes of the Colville Reservation, Quileute Tribe.

Representatives from the Economic Services Administration included staff from the Office of the Assistant Secretary, State Tribal Relations Unit, Division of Child Support, Community Services Division, Operations Support

Representatives from the DSHS Indian Policy Support Services were also in attendance.

► Opening Remarks: ESA Assistant Secretary, Troy Hutson provided opening remarks

During the presentation a representative from the Nooksack Tribe provided the Assistant Secretary with a letter signed by the Nooksack Tribal Chair. The representative also read the letter to the group. The letter:

- Registered the Tribe’s concerns about the Workgroup
- Communicated that individuals from the Tribe attending were there to gather information and were not authorized to represent the Tribe or to participate in the formation or development of any charter.
- Emphasized that the Workgroup process was not a substitute for ‘consultation’.

The Assistant Secretary will work with Sarah Colleen Sotomish and Colleen Cawston to visit as many Tribal TANF programs as he can.

► Agenda & Status Review: ESA Deputy Assistant Secretary, Connie Ambrose reviewed the draft agenda. There were no requested changes to the proposed agenda.

ESA State Tribal Relations Unit, Administrator, Sarah Colleen Sotomish gave a status review outlining the purposes for the forming of the Workgroup and responded to questions.

- The questions focused on concerns expressed by the Tribes that the WAC project would limit Tribal TANF program flexibility and infringe on tribal sovereignty.
- Sarah Colleen emphasized that the WAC project would seek to comply with the requirements of RCW 74.08A.040 and not limit a tribal TANF program flexibility.

- The Department did not consider the Workgroup “consultation”. Consultation will follow after the Workgroup has concluded its mission.
- ▶ Overview of WAC Development Process: Division of Child Support, Legislation & Policy Manager, Nancy Koptur provided an overview of how WACs are developed and the drafting process
- ▶ Review of Workgroup Charter: Connie Ambrose and Sarah Colleen Sotomish reviewed the draft Workgroup charter.

The charter could be referred to as a “planning document” or other designation as decided by the Workgroup. The Department committed to do the communication plan items (such as progress reports, IPAC briefings and briefing papers) with input from the Workgroup members.

The Workgroup will focus on the two required topic areas mandated under RCW 74.08A.040: 1) appropriate uses of state maintenance of effort funds, 2) annual reports on program operations. Other topics, such as “dual eligibility” may be considered.

There was consensus from tribes attending the meeting that “reconciliation” should be taken out of IGAs and no longer considered by ESA. Increased coordination between the state and tribes as well as better training for Community Services Division field office staff concerning services provided by tribal TANF programs would address many concerns.

- ▶ Brainstorm WAC Topics: ESA Special Assistant, Roxie Schalliol led the discussion and placed comments (shown on the attached handout) on paper for the group. Roxie will assist the Workgroup as a facilitator for upcoming meetings.
- ▶ Next Steps: Sarah Colleen Sotomish and Roxie Schalliol led the discussion.

The Workgroup may need to consider a work plan that includes forming subgroups that focus on individual subjects and then reporting back to the entire Workgroup. It was suggested that the Workgroup let what the tribes and the state need for Tribal TANF program management guide WAC development.

There was consensus that scheduling a meeting just for Tribes would be helpful. The Lummi Nation will host a meeting tentatively scheduled for May 12, 2008. Lummi Nation, Tribal TANF Director, Adele (Topsy) Kinley will coordinate the scheduling of the meeting. The attendees will prepare an outline or draft WACs.

The next Tribal-State ESA WAC Development Workgroup meeting will be held on June 24, 2008. The meeting site is to be determined. Follow up assignments include:

- The Department agreed to clarify MOE spending rules for non-relative legal guardians and to send out an explanation of the state's federal reporting requirements for the MOE they provide to Tribal TANF programs.
- The Department agreed to modify the charter to clarify that the workgroup will develop its own review and approval process, follow the DSHS 7.01 communication and consultation protocol, eliminate two previously discussed WAC topics and include all interested tribes in the Workgroup.
- Colleen Cawston will check IPAC minutes to determine when tribal leadership was informed of the Tribal TANF WAC development project. The WAC development was first discussed at the January 2007 meeting then again at the April and July 2007 meetings.
- Rosi will work with Darrell to get out the minutes from the January 8th tribal caucus.

ATTACHMENT: Recorded Workgroup Comments

Comments on Charter:

- Reconciliation – Tribal recommendation → include in WAC that reconciliation is off the table.
 - If Tribal member elects to return to State program, no “penalty” to the Tribe
 - Also concern – CSOs may tell client they may be eligible for TT, but “don’t have to go”
 - ?? Tribal members must go to TT? We need to address this issue, although not clear that it should be in the WAC “Out” for mandatory part in TT
 - Leaving reconciliations out may eliminate need to define who can/can’t be served
- Make it inclusive of all (Add State Gov and Tribal TT programs (Suquamish))
- Clarify items that will always be negotiated and not in WAC
- Examine timing issues – State report due when Federal report is due
- Clarify what “internal review and approval” means – Phase I of Charter → Determine the process as part of Phase I. Change “internal review and approval” to “workgroup”.
- Reiterate in charter commitment to communication/consultation protocol.
- “Needs” assessment → Goal meet needs of both State and Tribes

Questions

- Don’t redefine - use Federal definitions
- What is purpose – clarify purpose of these specific regulations → limit, narrow
- ? Calculate fair/equitable
- Appropriate use – some questions related to reporting and verification

What information do we need? (To be collected for next meeting)

- What does state report?
- What do we need to do that?
- What do current Tribal reports to the State look like?

Next Steps:

- Training Plan – Make sure we have a plan once we’ve completed the process
- Basic Conditions – review prior to next meeting
- Lummi will host the tribal meeting tentatively scheduled for May 12th. Contact Adele (Topsy) Kinley at 360-384-7108 or e-mail her at topsyk@lummi-nsn.gov
Tribes will:
 - Discuss the issues and begin outline, and perhaps draft language.
 - Make decision regarding letter to Tribal leaders once they’ve completed their Meeting.
- Next full workgroup meeting: Tuesday, June 24, 2008. Location TBD