



Chapter 7: Agency Management

Section 7.13 Tribal Relations

Resource Contact: Agency Director

Effective: 10/20/2003

References: Centennial Accord (August 4, 1989) www.goia.wa.gov

Revised: 07/01/2015

Millennium Agreement (November 4, 1999)

Indian Gaming Regulatory Act, 25 U.S.C. §2701 (1988)

RCW 9.46.360

RCW 43.376

Applies To: This policy applies to all Washington State Gambling Commission (WSGC) employees.

I. PURPOSE

Indian Tribes are recognized by the federal government as sovereign nations. Tribal sovereignty is defined by treaties, federal statutes, and executive orders of the President.

The Centennial Accord Agreement (Accord) was adopted in 1989, and reaffirmed in the Millennium Agreement by Governor Locke in 1999. It states the commitment by the State and Tribes to implement a government-to-government relationship. The core purpose of the Accord is to strengthen State relationships with federally recognized Tribal governments and to jointly resolve issues of mutual concern.

The agency (we/us) will continue to strengthen government-to-government relationships with each Washington Indian Tribe consistent with the Accord and Tribal-State Class III Gaming Compacts (Compacts).

II. POLICY

A. Government-to-Government

When working with Tribes, agency staff (you) must recognize and respect the sovereign status of the Tribes. When working to resolve issues of mutual concern, you are accountable to the principles of the government-to-government relationship envisioned in the Accord.

B. Authority and Negotiations

1. The Director is responsible for the negotiation of Compacts on behalf of the State (RCW 9.46.360). The terms of the Tribal-State relationship are governed by the Compacts between the State and the individual Tribes and the federal Indian Gaming Regulatory Act (IGRA).

2. As monitors of Tribal Class III gaming, we work cooperatively with the Tribes through their Tribal Gaming Agencies (TGA). TGAs are the primary regulators, and our agency works with each TGA to ensure Class III gaming activities are conducted in accordance with the Compacts.
3. The agency's monitoring functions are performed primarily by the Tribal Gaming Unit (TGU), the Electronic Gambling Lab (EGL), and Licensing. In addition to our regulatory functions and certification/suitability determinations of Tribal licensees, we offer gambling regulatory training and advice to the Tribe, TGA, and employees.

C. Communications

1. We are committed to conferring with Tribes on all issues that affect our respective governments, and individual plans for communication will be identified that address and include the unique governmental structure of each Tribe. In general:
 - a) The Director and his or her designee will work primarily with Tribal government leaders and Tribal Gaming Commissions regarding policy items.
 - b) The Deputy Director, Assistant Directors, and Administrators will work primarily with the Tribal Gaming Commissions and TGA Directors.
 - c) The Assistant Directors, Administrators, and Agents in Charge will work with each TGA Director to create an individualized regulatory plan for their gaming facility.
 - d) The Agents in Charge and agency staff will implement the co-regulatory plan and work directly with the TGA's on gambling regulatory issues on a day-to-day basis.
2. In general, the following items will be communicated with Tribal governments through relevant Tribal personnel:
 - a) Compact changes including Appendix revisions, Memorandums of Understanding or similar changes.
 - b) Changes to budget calculations related to regulatory costs.
 - c) Changes or proposed changes to RCW or WAC that could impact Class II or Class III gaming.
 - d) Compact compliance issues.
 - e) Requests for public disclosure of tribal records as agreed to in the Compacts and per Agency Policy 10.1.

3. The dispute resolution process for Class III gaming issues is set forth in the Compacts between the individual Tribes and the State. This process involves several options for informal and non-judicial dispute resolution. The formal process must begin with a written request from the Tribe or the State. Whenever possible, we strive to resolve disputes informally.

D. Coordination and Consultation

1. The agency will make reasonable efforts to collaborate with Tribes in the development of policies, agreements, and program implementation that directly affect them.
2. Meetings with individual Tribes or with the Tribes as a group may be used to communicate policy and/or program changes. TGA Directors' meetings, TGA/State Gaming Agency (SGA) licensing meetings, surveillance meetings, Commission study sessions or similar types of meetings may be used.
3. Meeting requests may be initiated by the agency or a Tribe. Discussion topics may include, but are not limited to: proposed new policies or changes to existing policies that may impact a Tribe, existing policies or procedures that impact a Tribe, agency requested legislation that may affect a Tribe.
4. Email may be used to communicate immediately with Tribes.
5. Process:
 - a) Meetings will be set up as needed or as outlined in the Tribal-State Compact.
 - b) Approximately 30 days notice will be given for any upcoming meeting unless the issues that need to be discussed must be handled immediately.
 - c) Notice of meetings will be made primarily through email, or the use of other means.

III. RESPONSIBILITIES

A. Tribal Liaison – The agency's Tribal Liaison will:

1. Report directly to the Director on Tribal matters.
2. Assist the state agency in developing and implementing state and agency policies that promote effective communication and collaboration between the state agency and Tribal governments.
3. Serve as a contact person with Tribal governments and maintain communication between the state agency and affected Tribal governments.

4. Coordinate training of agency staff who interact with Tribes in accordance with this policy.
 5. Keep a Tribal contact list, and ensure the list is regularly updated for use by agency staff.
 6. Coordinate the agency's annual report on the activities and agency involvement with Tribes and submit the report to the governor.
- B. Agency staff who may work with a Tribe and the Director, Deputy Director, Assistant Directors, Administrators, and Agents in Charge:
1. Must take the Governor's Office of Indian Affairs Government-to-Government class. If the class is not available prior to working with a Tribe, you must attend within the first six months of working with a Tribe.
 2. In addition, agency staff that work with Tribes must receive a formal or informal government-to-government refresher training course at least once every five years.
- C. Agency staff assigned to work with a Tribe shall complete the training required in B.1.
- In addition:
1. If your duties include Tribal gaming, you will attend training on Compacts and IGRA within the first six months of working in the unit.
 2. You will attend ongoing training regarding Tribal culture/history/government, IGRA, Compacts and related court decisions.
- D. Supervisors and Managers will ensure that their staff attends the required training.

Approved: /s/
David Trujillo, Director
Washington State Gambling Commission

Date: 07/01/2015