

**YUROK TRIBAL COUNCIL
ACTION MEETING
THURSDAY, SEPTEMBER 9, 2021
<https://www.gotomeet.me/yuroktribe>**

ROLL CALL: 10:00am

PRESENT: Joe James, Chairman; Frankie Myers, Vice-Chairman; Sherri Provolt, Orick District; Mindy Natt, Pecwan District; Ryan Ray, Requa District; Lori Hodge, East District; Phillip Williams, North District; Toby Vanlandingham, Weitchpec District, Lana McCovey, South District.

ABSENT: None

QUORUM: 9 present, 0 absent, quorum present

STAFF: Don Barnes, Executive Director; Dawn Baum, Acting General Counsel; Taralyn Ipina, Council Operations Director; Georgiana Gensaw, Council Operations Coordinator (recorder).

OPENING PRAYER: Provided by Chairman James.

REVIEW AGENDA/ADDITIONS/APPROVAL:

Motion by Councilmember Vanlandingham/ Councilmember Provolt to approve agenda with additions CA21-165 Bluff Creek and CA21-164 Exclusion. Motion carries by consensus.

INTRODUCTION OF NEW EMPLOYEES: None provided.

REVIEW CALENDAR/ADDITIONS: No additions made.

COUNCIL CHECK IN:

Councilmember Vanlandingham: We've got an issue going on over here with phone services. It's gotten to a point where people actually have to post on Facebook to call 9-1-1 because they're having an issue. I'm hoping that maybe we can get Jessica, Mr. Barnes and maybe Dawn Baum to get ahold of whoever the powers that be with the phone company. I believe its Frontier here. I don't have a landline, but it's been out for over a week now and sometime these outages last month or more so hopefully we can get something done. Thank you.

Councilmember McCovey: Pass.

Councilmember Williams: Yes, good morning, everybody. I just want to share, we had our North District meeting last night and it was a lot of fun. I have a blend of elders and young people, and it was a good time. Good discussions. We discussed the cannabis initiative on the referendum

44 this year and we're looking forward to the town halls that we've got planned. We reviewed the
45 American Rescue Funding and projects we got going on and there was a lot of support. It was a
46 great meeting with 14 people attending. I had some people from other districts attend also.
47 Thank you.

48

49 Councilmember Hodge: Thank you, George. Good morning, everyone. Well, I just want to
50 remind everyone of my district meeting on September 13th from 5:00pm-6:30pm. I wanted to
51 give a quick update on what's going on with our new building in Willow Creek. We're a bit
52 delayed in the permitting process due to COVID and the fires out here have displaced
53 employees from their homes. I just wanted to let everybody know it is moving forward, even
54 though they don't see much change over there at the building yet. And hopefully we'll actually
55 start seeing something possibly in October. I'm looking very much looking forward to bringing
56 services here to Willow Creek in the East District. Thank you.

57

58 Councilmember Natt: Pass

59

60 Councilmember Provolt: Good morning. I will have an Orick District meeting scheduled for
61 Saturday, September 18 and invite tribal members to attend. It will be a virtual meeting. I look
62 forward to having conversations and getting input on the American Rescue Plans funds. I will
63 share what the Tribe has planned so far and will get some other ideas from our community.
64 Thank you.

65

66 Vice Chair Myers: Yeah, just a few things here, right along the lines that Councilmember
67 Vanlandingham was saying. We need to look at our phones and get it figure out. You know, we
68 had a situation this morning, like Councilmember Vanlandingham said, we're using, Facebook to
69 get 9-1-1 calls out. I also wanted to just say there are good things ahead of us, as far as our
70 water is concerned. And so hopefully we'll be able to send that out to the membership here
71 fairly quickly and let them know that with the work Council and staff has done and worked hard
72 on for decades, that there is some good, good news coming down. And, if you haven't got the
73 vaccine yet, go get the vaccine. Thank you.

74

75 Chairman James: Pass

76

77 **TRIBAL MEMBER COMMENT:** None provided.

78

79 **EXECUTIVE SESSION:**

80 OTA21-084, Adoption & Foster Care Data

81 CA21-164, Exclusion

82 CA21-165, Bluff Creek

83 Personnel (Hodge)

84

85 **CONSENT AGENDA ITEMS:**

86 OTA21-085, YHHS Annual Progress & Services Report

87 Submitted by Tamara Honrado

88 **Motion by Vice Chairman Myers/Councilmember Vanlandingham to retroactively approve**
89 **Yurok Tribe’s comments on the State California Department of Social Services Annual**
90 **Progress and Services Report regarding IVWA compliance. Motion carries by consensus.**

91
92 **AGENDA ITEMS:**

93 **Enrollment**

94 Krystal Patapoff-Pruitt presents
95 EE21-008, New Members
96 Submitted by Krystal Patapoff-Pruitt

97 **Motion by Vice Chairman Myers/Councilmember Vanlandingham to approve**
98 **recommendation of the Enrollment Committee, in a meeting held on August 31, 2021, to**
99 **enroll applicants listed on Resolution #21-101 who meet membership requirements of the**
100 **Enrollment Ordinance and Constitution of the Yurok Tribe. Roll call; Vice Chair Myers-yes,**
101 **Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes,**
102 **Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes,**
103 **Councilmember McCovey-yes. Yes-8, no-0, abs-0, np-0. Motion carries.**

104
105 EE21-009, Denial of Applicants
106 Submitted by Krystal Patapoff-Pruitt

107 **Motion by Councilmember Natt/Councilmember Williams to approve recommendation of the**
108 **Enrollment Committee, in a meeting held on June 25, 2021, to deny enrollment of applicants**
109 **DY-933 and DY-996 who do not meet membership requirements of the Enrollment Ordinance**
110 **and Constitution of the Yurok Tribe. Roll call; Vice Chair Myers-yes, Councilmember Hodge-**
111 **yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-**
112 **yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes.**
113 **Yes-8, no-0, abs-0, np-0. Motion carries.**

114
115 EE21-010, Removal
116 Submitted by Krystal Patapoff-Pruitt

117 **Motion by Councilmember Williams/Councilmember Hodge to approve the recommendation**
118 **of the Enrollment Committee, in a meeting held on August 31, 2021, to remove the Tribal**
119 **Member listed on Resolution #21-102 pursuant to the membership requirements of the**
120 **Enrollment Ordinance and Constitution of the Yurok Tribe, with edits. Roll call; Vice Chair**
121 **Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember**
122 **Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember**
123 **Williams-yes, Councilmember McCovey-yes. Yes-8, no-0, abs-0, np-0. Motion carries.**

124
125 **Fisheries**

126 Barry McCovey Jr. presents
127 FISH21-062, Water Rights Litigation Negotiation
128 Submitted by Barry McCovey Jr.

129 **Motion by Councilmember Provolt/Vice Chairman Myers to authorize the Fisheries**
130 **Department to submit the proposal, and the Chairman to sign endorsement letter, to the**

131 **Bureau of Indian Affairs for FY2022 Water Rights Litigation/Negotiation funding. Motion**
132 **carries by consensus.**

133
134 **Human Resources**

135 Rose Sylvia and Don Barnes presents
136 HR21-014, Finance Organization Chart
137 Submitted by Rose Sylvia

138 **Motion by Vice Chairman Myers/Councilmember Vanlandingham to approve organization**
139 **structure for Finance Department. Approval to include the addition of two bookkeepers.**
140 **Motion carries by consensus.**

141
142 **Office of Tribal Attorney**

143 OTA21-081, Klamath River Ordinance

144 **Motion to approve the final, attached “Rights of the Heyl-keek ‘We-roy Ordinance”, authorize**
145 **Chair to sign and Secretary to attest. Item tabled to after work session.**

146
147 OTA21-086, Annual Corporate Report Template
148 Submitted by Maggie Poffenbarger

149 **Motion by Councilmember Hodge/Councilmember Natt to review and approve annual**
150 **corporate report template with edits, and delegate Clerk's responsibility to the Office of**
151 **Tribal Attorney. Motion carries by consensus.**

152
153 OTA21-087, Consultation letter to Tribal Advisor
154 Submitted by Maggie Poffenbarger

155 **Motion by Vice Chairman Myers/Councilmember Hodge to approve letter requesting**
156 **consultation with Office of Tribal Advisor concerning Klamath Community Service District and**
157 **authorize Chair to sign. Motion carries by consensus.**

158
159 **Planning**

160 P21-048, Indian Health Services Memorandum of Agreement
161 Submitted by Don Daines

162 **Motion by Councilmember Vanlandingham/Councilmember Hodge to approve and authorize**
163 **the Chairperson to sign MOA CA21-F04 and all amendments associated with this MOA. (MOA**
164 **provides funding to rehabilitate the Redwood Water Storage tank on the Weitchpec**
165 **Community Water System). Motion carries by consensus.**

166
167 P21-049, Memorandum of Agreement Amendment #1 CA 10-M47
168 Submitted by Don Daines

169 **Motion made by Councilmember Natt/Councilmember Vanlandingham to approve and**
170 **authorize the Chairperson to sign Amendment #1 to the Memorandum of Agreement (MOA)**
171 **for the IHS 10-M47 Kepel Intake Protection to reflect additional funding being provided by**

172 IHS to cover the incremental cost difference between the original budget and the lowest bid
173 received this project. Motion carries by consensus.

174
175 P21-052, Budget Modification #1 CA 10-M47
176 Submitted by Don Daines

177 **Motion by Councilmember Vanlandingham /Councilmember Natt to approve a modification**
178 **of the budget to Project 11831 as described in the attached budget modification form.**
179 **Motion carries by consensus.**

180
181 P21-053, Contract CA 21-E99 Debacker Main
182 Submitted by Don Daines

183 **Motion by Councilmember Ray/Councilmember Natt to approve and authorize the**
184 **Chairperson to sign the Contract Agreement with Solid Rock Construction to perform**
185 **construction services to construct a water main and to relocate the Debacker Main junction**
186 **from above ground to below ground along Highway 169 in the Klamath Glen at no cost to the**
187 **Yurok Tribe. Motion carries by consensus.**

188
189 P21-054, Indian Health Services Memorandum of Agreement
190 Submitted by Don Daines

191 **Motion by Councilmember Provolt/Councilmember Williams to approve and authorize the**
192 **Chairperson to sign MOA CA21-F03 and all amendments associated with this MOA (MOA**
193 **provides funding to design and construct improvements on the Debacker Road water service**
194 **line in the Klamath Glen). Motion carries by consensus.**

195
196 P21-055, Ray Excavation Kepel intake
197 Submitted by Don Daines

198 **Motion by Councilmember Natt/Councilmember Hodge to approve and authorize the**
199 **Chairperson to sign the Contract Agreement with Ray Excavating to perform construction**
200 **services on 10-M47 Kepel Intake Protection including rehab of piping for an existing concrete**
201 **intake structure with installation of new 4-inch ductile iron pipe along Highway 169 in**
202 **McKinnon Hill. Motion carries by consensus.**

203
204 **Public Health**

205 PH21-010, California Rural Indian Health Board Subcontract
206 Submitted by Hollie Strahm

207 **Motion by Councilmember Provolt/Councilmember Williams to accept and approve the**
208 **CRIHB Subcontract Agreement in the amount of \$30,000 for continued response and recovery**
209 **activities on behalf of the Yurok Tribal community with Chairman James to sign Agreement**
210 **and corresponding Resolution #21-103 with edits. Roll call; Vice Chair Myers-yes,**
211 **Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes,**
212 **Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes,**
213 **Councilmember McCovey-yes. Yes-8, no-0, abs-0, np-0. Motion carries.**

214

215 **Transportation**

216 T21-001, Amend 2016 Long Range Transportation Plan

217 **Motion by Councilmember Natt/Councilmember Provolt to authorize Resolution #21-200**
218 **(with edits) to amend 2015 Long Range Transportation Plan to identify Jack Norton School**
219 **Road as a tribally owned route. Motion carries by consensus.**

220
221 **LUNCH:** 11:46am -1:03pm
222

223 **TRIBAL MEMBER COMMENT:**

224 Rose Sylvia: This is Rose Sylvia, Pecwan District. I had previously come to Council and I had
225 talked about that low boy trailer that got burnt up in Wautek. And I know at that time, direction
226 was given by the Chairman to make sure that that was taken care of and it still hasn't been. And
227 recently the Yurok Tribe, YTEP or whoever did the cleanup of appliances. And you know, the
228 stuff that burned down there had some appliances they weren't able to be taken out because
229 that truck is in the way. And so I just want to bring it back to Council's attention. I think Wautek
230 looks horrible. It's kind of got a slum look with all of the garbage and everything going on and
231 that doesn't help. And there is a tribal member there who I kind of got on his case about all of
232 those cars around and his response to me was, well, what are you talking about? Look at the
233 tribe's garbage over there. And so I couldn't really say much. And so I just want to bring it back
234 to the Council's attention. I just think that that needs to get taken care of.
235

236 **AGENDA ITEMS:**

237 **Council**

238 CA21-152, American Rescue Plan Council Projects

239 Submitted by Councilmembers Hodge, Natt and Vanlandingham

240 **Motion by Vice Chairman Myers/Councilmember Hodge to authorize \$1,000,000 for**
241 **purchase/development of East District housing, \$1,500,000 for expansion of Morek Won**
242 **Gymnasium and \$4,200,000 for construction of Tulley Creek Community Center/Council**
243 **Chambers. Funding to come from American Rescue Plan funding. Roll call; Vice Chair Myers-**
244 **yes, Councilmember Hodge-yes, Councilmember Ray-no, Councilmember Vanlandingham-yes,**
245 **Councilmember Provolt-no, Councilmember Natt-yes, Councilmember Williams-no,**
246 **Councilmember McCovey-no, Chairman James-yes. Yes-5, no-4, abs-0, np-0. Motion carries.**

247
248 Rose Sylvia: I listened to this last time and I'm listening to it again this time. And I know that
249 those things are put out there, but me as a tribal member, I agree with housing. We need
250 housing, every place. We hear about it all the time and I don't know if this fits into the
251 categories, but I would like to see a laundromat in the area, especially with the drought. Just
252 kind of having had some connection to the little two washers that are in Wautek, it's a big, big
253 deal. And people came from all over to use those. And so, now they can't because of the water
254 situation and that's not going to go away. And those other types of buildings, I don't want to
255 say that they're not needed, but they're not going to be used every day for everything. And I
256 think that's what council needs to consider is the amount of use that a tribal member will use
257 the facility. Look at Morek-won, it's not doing nothing for a long time. It still sits there. There

258 isn't the programs or the events that go on with it. And so now you're going to add onto it. And
259 is that going to bring the employment in that makes that available to the community? Um, I just
260 don't see that. I just don't. I think they're important, but I just don't see them as important as
261 other things like housing. I just said it looks like a slum. It's like you could do a whole, whole
262 deal there and put all new houses in. I see sometimes on Facebook where people are
263 homeless, you did the little thing up there at the Bluff Creek and that's filled immediately and
264 that's tiny homes and that's for like a certain type of project. And so I just think this needs to
265 get rethought. That's a lot of money that \$4 million could build quite a few houses. And so I
266 really, I really would urge council to talk to the community more so that they could really have a
267 voice in some of the things that are happening. And it can't just be buildings. We've had lots of
268 buildings on the upper reservation. And I know I came in here before when we had our state of
269 emergency and I cried because it's like we have all the buildings, but we don't even have keys to
270 the door. We don't even have the programs to put in there. And so it's like, now I'm going to do
271 more buildings. Does that mean that we need more people? Are will we have keys to those
272 doors? Like what's the overall plan for how that's going to effectively affect the community
273 every day of every year. I'd like to see that thought put into it. Thank you.

274
275 Nicole Provolt: Hi, Nicole Provolt, Orick District. I'm just kind go along with what Rose said in
276 terms of getting more input from membership. I know council members are good about talking
277 about these things at their district meetings. And I know that we don't get as much
278 participation at all of the district meetings as, as we would like. I don't know if there's a
279 timeframe for spending this money, but under the presumption that there's no deadline for
280 spending this money imminent, then getting input would be a good idea. I don't know if it
281 would be appropriate to have town halls or maybe just to utilize like a survey monkey type of
282 program where we can really try to get in information from the membership at large about
283 what they would like to see this money used for. I think it would be appropriate and due
284 diligence of council to see all of the projects that are going to be proposed by all of Council and
285 look at them as a whole to make the decision about where this money should be used. Maybe
286 they all have value, but I just feel like there's a rush to have them approved and submitted. And
287 I don't think we have all the cards on the table yet. Thank you.

288
289 Madison Green: Hi, this is Madison Green, South District. I have a tribal member comment. I
290 echo what Nicole said about getting more input from the community. In addition to what
291 Councilmember McCovey said about ARPA funds for south site, I agree that all of these are
292 great opportunities for expansion and would really serve the community well, but I would like
293 to point out that the south district does not have a community center. We do have head start
294 but we don't even have the infrastructure on the employee side of the building to access hot
295 water. So I think that it's really important to think about that. I think about the lack of
296 community access that the people in the south district have and this building is important. I
297 know that there's a lot of really great projects going on, but I just wanted to add that comment
298 in about the South District. Thank you.

299
300 Elizabeth Davis: This is Elizabeth Davis in the East District. I also agree that there isn't enough
301 input from the membership regarding the proposed spending. And we do have annual

302 membership meeting coming up. Why can't this be presented at the annual meeting and asked
303 the membership for some of their ideas and input? And again, you know, not saying that ideas
304 are bad or what not, but I am also wondering where the department ideas fall into place and
305 are those being prioritized as we speak? How do we know as membership, what departments
306 are being considered for their funding requests and how is that process going to be handled?

307
308 CA21-154, Council Meeting minutes
309 Submitted by Taralyn Ipiña

Motion by Councilmember Hodge/Councilmember Williams to approve August 20, 2021 Council Special Meeting minutes, August 14, 2021 Council Gaming Meeting minutes, August 24, 2021 Council Finance/Planning Meeting minutes, and August 26, 2021 Council Action Meeting minutes. Motion carries by consensus.

314
315 CA21-157, Yurok Wellness Center
316 Submitted by Chairman James & Vice Chair Myers

Motion by Councilmember Vanlandingham/Vice Chairman Myers to authorize \$1,000,000 of American Rescue Plan Act funding for Yurok Wellness Village potential land purchase and/or site development and construction of facility. Roll call; Vice Chair Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes. Yes-8, no-0, abs-0, np-0. Motion carries.

323
324 **TRIBAL MEMBER COMMENT:**

325 Elizabeth Davis: Hello, Elizabeth Davis. Again, I just really feel strongly that these ideas need to
326 go at the annual meeting. I don't believe that there's been enough process time by the
327 membership and enough information on exactly how much money was received in both the
328 CARES and APRA. I don't think that they very many of the memberships are aware of what
329 some of the departments are proposing. I didn't catch all of the presentations. I caught a few of
330 them, but I'd like to hear from all the departments on what their wishes and proposals are. I
331 don't see that all of the council members have proposals in front of you and forms of action
332 items. And it does seem like whoever gets action item in the first will get action on it. And it just
333 doesn't the whole process doesn't seem equitable. And it just feels like this is something that
334 should be discussed at our annual membership meeting, where more tribal members have the
335 opportunity to absorb the information.

336
337 We haven't had any open person meetings where people could come in and realize what's on
338 the agenda and have the opportunity to speak and review the information. As you can see
339 most of the meetings that I get on is from at work and I pull it up on the computer, but most of
340 the people on these meetings are employees. Yes, they're tribal members, but they're also
341 employees. You don't see a whole lot of tribal members who are not employees on these
342 meeting. I don't know the stats on the district meetings and how many tribal members are
343 logging on to the district meetings, but I'm going to guess that it isn't very many comparative to
344 when we had open sessions and open district meetings. So again, I don't know what you guys

345 are going to report on at the annual meeting. Are you going to report on all the things that you
346 voted on these last few weeks with the dollars? Are you going to give us a beginning balance, a
347 running balance or things that have been improved already? Or how is that going to go out to
348 the membership or is it at all?

349

350 STATEMENT(S) FOR THE RECORD:

351 Councilmember Williams: I'm a big proponent for wellness. I'm going to vote Eee (yes).

352

353 Councilmember Provolt: For the record I do think Council should have taken this out to our
354 tribal membership to have input. I do think this is a particular project is needed, and we have
355 heard our departments and our community for a very, very long time about this need. I vote,
356 yes, Eee.

357

358 Councilmember McCovey: For the record. I have been a proponent for this project for quite a
359 few years now and worked on many things that pertain to it. I don't agree with the process, but
360 I believe in the need to support this. I'm going to vote. Yes.

361

362 Councilmember Vanlandingham: Well, for the record, as someone who been in recovery, I think
363 a wellness village is one of the most amazing things that we should have done probably 25
364 years ago. I'm excited about it and I look forward to growing this into something that we can all
365 be proud of. So I don't yes.

366

367 Councilmember Ray: Yes. For the record, I would have like to see the 4.2 million go to this
368 cause, you know, like they say, it's an amazing project. I don't think a million dollars is going to
369 do anything but sit in the bank for a while. And the money should have went to this project,
370 probably more important than a swimming pool.

371

372 CA21-159, North District Property

373 Submitted by Councilmember Williams

374

Motion by Councilmember Vanlandingham/Councilmember Williams to approve Resolution #21-100 with edits, Limited Waiver of Sovereign Immunity for Commercial Property Purchase Agreement and Approval to purchase of 1585 S. Railroad Ave, Crescent City. (The waiver is limited to enforcement of the Commercial Property Purchase agreement between Bill and Kathie Gray and the Yurok Tribe and the consistent with the Yurok Tribe Supreme Ordinance and Constitution.) Roll call; Vice Chair Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes, Chairman James-yes. Yes-8, no-0, abs-0, np-0. Motion carries.

383

384 CA21-160, Redwood Parks Conservancy Board Member

385 Submitted by Councilmember Provolt

386 **Motion by Vice Chairman Myers/Councilmember Vanlandingham to approve Councilmember**
387 **Provolt to submit an application to be a Board Member for the Redwood Park Conservancy**
388 **(RPC). Motion carries by consensus.**

389
390 BREAK: 2:02pm-2:20pm

391
392 **EXECUTIVE SESSION: 2:20-3:44pm**

393
394 Action out of Executive Session:
395 Personnel (Hodge) – Discussion only.

396
397 OTA21-084, Adoption & Foster Care Data
398 Submitted by Tamara Honrado

399 **Motion by Councilmember Williams/Councilmember Provolt to authorize OTA and**
400 **Democracy Forward to lead law firm representing the Yurok Tribe in federal ICWA data**
401 **elements being added to the Adoption and Foster Care Data Elements, to settle in mediation,**
402 **if offers are made in the best interest of the Tribe based on prior discussions. Motion carries**
403 **by consensus.**

404
405 CA21-164, Exclusion
406 Submitted by Councilmember Vanlandingham
407 Executive Session: Exclusion discussion

408 **Directive to Prosecutor to research issue regarding exclusion provisions as discussed in**
409 **Executive Session (9/9/2021) and bring back to Council.**

410
411 CA21-165, Bluff Creek Housing
412 Submitted by Chairman James

413 **Directive to Executive Director to work YEDC/YHHS/YIHA to develop a plan regarding the**
414 **homelessness shelter issues at Bluff Creek.**

415
416 **TRIBAL MEMBER COMMENT:** None provided.

417
418 **CLOSING PRAYER:** Provided by Vice Chairman Myers.

419
420 **ADJOURN:** 3:53pm

421
422 **MEETING MINUTES APPROVED ON:**

September 22, 2021

423
424 
425 _____

09/30/21

426 **Sherri K. Provolt, Secretary**

Date

427
428