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

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

Councilmember Natt: Pass

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

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

Chairman James: Pass

TRIBAL MEMBER COMMENT: None provided.

EXECUTIVE SESSION:
OTA21-084, Adoption & Foster Care Data
CA21-164, Exclusion
CA21-165, Bluff Creek
Personnel (Hodge)

CONSENT AGENDA ITEMS:
OTA21-085, YHHS Annual Progress & Services Report
Submitted by Tamara Honrado
Motion by Vice Chairman Myers/Councilmember Vanlandingham to retroactively approve Yurok Tribe’s comments on the State California Department of Social Services Annual Progress and Services Report regarding IVWA compliance. Motion carries by consensus.

AGENDA ITEMS:

Enrollment

Krystel Patapoff-Pruitt presents
EE21-008, New Members
Submitted by Krystel Patapoff-Pruitt

Motion by Vice Chairman Myers/Councilmember Vanlandingham to approve recommendation of the Enrollment Committee, in a meeting held on August 31, 2021, to enroll applicants listed on Resolution #21-101 who meet membership requirements of the Enrollment Ordinance and Constitution of the Yurok Tribe. 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.

EE21-009, Denial of Applicants
Submitted by Krystel Patapoff-Pruitt

Motion by Councilmember Natt/Councilmember Williams to approve recommendation of the Enrollment Committee, in a meeting held on June 25, 2021, to deny enrollment of applicants DY-933 and DY-996 who do not meet membership requirements of the Enrollment Ordinance and Constitution of the Yurok Tribe. Roll call; Vice Chair Myers-yes, Councilmember Hodge-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.

EE21-010, Removal
Submitted by Krystel Patapoff-Pruitt

Motion by Councilmember Williams/Councilmember Hodge to approve the recommendation of the Enrollment Committee, in a meeting held on August 31, 2021, to remove the Tribal Member listed on Resolution #21-102 pursuant to the membership requirements of the Enrollment Ordinance and Constitution of the Yurok Tribe, with edits. 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.

Fisheries

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

Motion by Councilmember Provolt/Vice Chairman Myers to authorize the Fisheries Department to submit the proposal, and the Chairman to sign endorsement letter, to the
Bureau of Indian Affairs for FY2022 Water Rights Litigation/Negotiation funding. Motion carries by consensus.

Human Resources

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

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

Office of Tribal Attorney

OTA21-081, Klamath River Ordinance

Motion to approve the final, attached "Rights of the Heyl-kek 'We-roy Ordinance”, authorize Chair to sign and Secretary to attest. Item tabled to after work session.

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

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

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

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

Planning

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

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

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

Motion made by Councilmember Natt/Councilmember Vanlandingham to approve and authorize the Chairperson to sign Amendment #1 to the Memorandum of Agreement (MOA) for the IHS 10-M47 Kepel Intake Protection to reflect additional funding being provided by
IHS to cover the incremental cost difference between the original budget and the lowest bid received this project. Motion carries by consensus.

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

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

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

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

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

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

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

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

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

Motion by Councilmember Provolt/Councilmember Williams to accept and approve the CRIHB Subcontract Agreement in the amount of $30,000 for continued response and recovery activities on behalf of the Yurok Tribal community with Chairman James to sign Agreement and corresponding Resolution #21-103 with edits. 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.
Transportation
T21-001, Amend 2016 Long Range Transportation Plan

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

LUNCH: 11:46am -1:03pm

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

AGENDA ITEMS:
Council
CA21-152, American Rescue Plan Council Projects
Submitted by Councilmembers Hodge, Natt and Vanlandingham

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

Rose Sylvia: I listened to this last time and I'm listening to it again this time. And I know that those things are put out there, but me as a tribal member, I agree with housing. We need housing, every place. We hear about it all the time and I don't know if this fits into the categories, but I would like to see a laundromat in the area, especially with the drought. Just kind of having had some connection to the little two washers that are in Wautek, it's a big, big deal. And people came from all over to use those. And so, now they can't because of the water situation and that's not going to go away. And those other types of buildings, I don't want to say that they're not needed, but they're not going to be used every day for everything. And I think that's what council needs to consider is the amount of use that a tribal member will use the facility. Look at Morek-won, it's not doing nothing for a long time. It still sits there. There
isn't the programs or the events that go on with it. And so now you're going to add onto it. And
is that going to bring the employment in that makes that available to the community? Um, I just
don't see that. I just don't. I think they're important, but I just don't see them as important as
other things like housing. I just said it looks like a slum. It's like you could do a whole, whole
deal there and put all new houses in. I see sometimes on Facebook where people are
homeless, you did the little thing up there at the Bluff Creek and that's filled immediately and
that's tiny homes and that's for like a certain type of project. And so I just think this needs to
get rethought. That's a lot of money that $4 million could build quite a few houses. And so I
really, I really would urge council to talk to the community more so that they could really have a
voice in some of the things that are happening. And it can't just be buildings. We've had lots of
buildings on the upper reservation. And I know I came in here before when we had our state of
emergency and I cried because it's like we have all the buildings, but we don't even have keys to
the door. We don't even have the programs to put in there. And so it's like, now I'm going to do
more buildings. Does that mean that we need more people? Are will we have keys to those
doors? Like what's the overall plan for how that's going to effectively affect the community
every day of every year. I'd like to see that thought put into it. Thank you.

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

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

Elizabeth Davis: This is Elizabeth Davis in the East District. I also agree that there isn't enough
input from the membership regarding the proposed spending. And we do have annual
membership meeting coming up. Why can't this be presented at the annual meeting and asked
the membership for some of their ideas and input? And again, you know, not saying that ideas
are bad or what not, but I am also wondering where the department ideas fall into place and
are those being prioritized as we speak? How do we know as membership, what departments
are being considered for their funding requests and how is that process going to be handled?

CA21-154, Council Meeting minutes
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.

CA21-157, Yurok Wellness Center
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.

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

We haven't had any open person meetings where people could come in and realize what's on
the agenda and have the opportunity to speak and review the information. As you can see
most of the meetings that I get on is from at work and I pull it up on the computer, but most of
the people on these meetings are employees. Yes, they're tribal members, but they're also
employees. You don't see a whole lot of tribal members who are not employees on these
meeting. I don't know the stats on the district meetings and how many tribal members are
logging on to the district meetings, but I'm going to guess that it isn't very many comparative to
when we had open sessions and open district meetings. So again, I don't know what you guys
are going to report on at the annual meeting. Are you going to report on all the things that you voted on these last few weeks with the dollars? Are you going to give us a beginning balance, a running balance or things that have been improved already? Or how is that going to go out to the membership or is it at all?

STATEMENT(S) FOR THE RECORD:

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

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

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

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

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

CA21-159, North District Property
Submitted by Councilmember Williams

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.

CA21-160, Redwood Parks Conservancy Board Member
Submitted by Councilmember Provolt
Motion by Vice Chairman Myers/Councilmember Vanlandingham to approve Councilmember Provolt to submit an application to be a Board Member for the Redwood Park Conservancy (RPC). Motion carries by consensus.

BREAK: 2:02pm-2:20pm

EXECUTIVE SESSION: 2:20-3:44pm

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

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

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

CA21-164, Exclusion
Submitted by Councilmember Vanlandingham
Executive Session: Exclusion discussion

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

CA21-165, Bluff Creek Housing
Submitted by Chairman James

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

TRIBAL MEMBER COMMENT: None provided.

CLOSING PRAYER: Provided by Vice Chairman Myers.

ADJOURN: 3:53pm

MEETING MINUTES APPROVED ON: September 22, 2021

Sherri K. Provolt, Secretary

09/30/21