ROLL CALL: 11:34AM

PRESENT: Joe James, Frankie Myers, Sherri Provolt, Ryan Ray, Lori Hodge, Edward Aubrey, Lana McCovey, Toby Vanlandingham

ABSENT: Mindy Natt (excused)

STAFF: Elly Hoopes, Taralyn Ipina, Dawn Baum, Maggie Poffenbarger, Manuel Sanchez, Georgiana Gensaw (recorder)

QUORUM: 8 present, 1 absent, quorum present

OPENING PRAYER: Provided by Chairman James

REVIEW AGENDA/ADDITIONS/APPROVAL:

Motion made by Councilmember Aubrey/Councilmember Vanlandingham to accept today’s agenda with additions YHHS20-18 BJA grant, FISH20-39 budget modification, CA20-125 poll vote CARES funding. Motion carries by consensus.

AGENDA ITEMS

Council

CA20-120, To confirm poll vote RE: CARES Act Funding
Submitted by Council Operations

Motion made by Councilmember Hodge/Councilmember Vanlandingham to confirm poll vote taken on May 15, 2020 regarding CARES Act funding; approve utilization of CARES Act funding for identified COVID-19 pandemic response projects with Trinity Valley Consulting Engineers, Worthgroup and LACO as discussed in Executive Session. Motion carries by consensus.

CA20-043, To confirm poll vote RE: TRO in the Klamath River
Submitted by Dave Hillemeier

Motion made by Councilmember Vanlandingham/Councilmember Aubrey to confirm poll vote taken on May 12, 2020 to approve filling TRO in the Klamath biological opinion case in federal district court. The TRO would ask the court to provide water to support fish habitat and combat fish disease. Motion carries by consensus.

CA20-125, To confirm poll vote RE: CARES Act Funding
Submitted by Taralyn Ipiña, Council Operations

May 19, 2020 Council Finance/Planning meeting
Motion made by Councilmember Vanlandingham/Councilmember Aubrey to ratify poll vote to approve utilization of CARES Act funding for identified COVID-19 Pandemic response projects and initiatives with Yurok Economic Development Corporation and Yurok Agriculture Board and Yurok Indian Housing Authority as discussed in Executive Session. Motion carries by consensus.

YHHS20-018, Grant application
Submitted by Stephanie Weldon & Judge Abby

Motion made by Councilmember Provolt/Councilmember McCovey to approve YHHS to apply for BJA for joint jurisdiction Family Wellness Court and for Chair to sign any required any required documents. Motion to approve indirect rate of 10%. Motion carries by consensus.

Presentations
Presented by Jason Barr
Morgan Stanly Financial Statements

Tribal Member Comment:

Mary Jackson: Preamble of the Yurok Constitution Section 8, recites this piece, I understand this part to be an insult to the individuals that are due a remedy. Again, this sentence supports that Yurok grievances need to be remedied and supported. In the Constitution there are 7 parts that speaks grievances need to be addressed, it seems that the reason we adopted the Constitution to protect basic human rights, and the way Mr. Kinney has treated people. In your oath of office, it states that you will hold up Constitution and the well being of Tribal members. You are required to make the peace and well being of the Tribe is upheld.

Jade Tyner: I want to recognize the efforts the Yurok Tribe has been doing to assist the members living on the Reservation, my parents live on the upper Reservation. I hope that the employee who quits in not rehired until an unbiased investigator. And there be a set time that person be not rehired by the Tribe.

Virginia Hedrick: Like Jade I want to thank the Council for your work during COVID-19. The second thing is this a very embarrassing thing for us as a Tribe. I take an embarrassing moment to be a moment of humility, offer the ability to make different decisions, to take a different course. We didn’t have written language until contact. I know that not all comments were heard. If not, all Council were present, discontinue the use of non-written statements. I think things are being conflated. All other tribes are watching us, the news is watching us. Who do we want to be? Be embarrassed about it. We have more victims coming out. I want to formally go on the record that I am disappointed in this leadership’s decision. Sometimes in leadership we have to rethink, we don’t always have all the answers.

Stephanie Weldon: Speaking strictly as a tribal member, I speak for as my people and my responsibility to protect my people. I think there is a lot of confusion around bullying and I have
witnessed with specific individuals and I want to echo what Virginia said. Clearly we don’t have a very clear policy and procedures. I think we need to have a special meeting to hear this issue out. 3 minutes in public comment is not long enough. Very rarely to these kind of cases make it to court because victims don’t make it to court, that’s a very Western idea and way of thinking to ask people to put into in writing. I know people have made complaints verbal and written. I think this is the time, we make different decisions. We have other options, we could hire outside contractors to write stronger policies and procedures. I was a taught culturally, yes I am woman. I think, the question is at hand is that are people being held responsible. Their family needs to make payment and that person needs to make amends and make a change in who they are and how they behave.

Chairman James speaks regarding trauma, stating there is nothing in writing in this persons’ personnel file. The pain is still there. If everyone wants to blame me for everything, then that is the way it is.

Robert R. Kinney: Hello Again George, I have a quick comment. I would like to make sure that all Council, Chairman and Vice Chair know that the Elders appreciate the weekly box of food deliveries.

Leo Canez: I come from Wautec. I love your family very much. I apologize for showing up late to this conversation. I respect the Chair and Vice Chair very much. I want to acknowledge that we have a lot of men and women who participate in our culture and have these same issues. I work at HSU and there is a way we do things, we can’t be unbiased, if we know something about something about someone we cannot bring that into an interview. I just want to put it out there, that if we are doing the same thing in ceremony. I would love to have this conversation with Javier, I want to have a face to face. He isn’t answering my phone calls. The Tribe isn’t perfect. I worked for them for 1 year in my entire life, and I will never work for them again because of things like this. If there is some criticize of me I will take that.

Chairman James responds.

James Dunlap: Thanks for having this session, I hear the wellbeing of Mr. Kinney outweigh the rights of others. I think we have conflicting dilemma. You are accepting the wrong. Evil prospers when good people do nothing. When good people say it’s not my problem, you’re not offering a solution. It’s up to the Council to make that decision. I would just like to see a resolution like some of them discussed retro active policy discussion. I would like to see what is happening with the CARES funding. I would like to see the election solution for being able to contact registered tribal members. A better explanation of the hotel casino expansion, why are we building a space that won’t hold a quorum of the membership?

Chairman James responds

Tribal Member Comment ends at 1:10pm
Financials of the Yurok Tribe
Presented by Steve Edmiston

- Balance Sheet as of April 30, 2020
- Revenue and Expenditures
- Council Honorarium/GSA Expenditures
- Council Travel & Training
- Council Discretionary Youth funding
- Legal Contracts
- Emergency Services
- Holiday donations
- Political donations
- Community donations
- Summary of fees
- Bank Statements

FINANCE
Steve Edmiston presents
FIN20-002, South Site Operations building loan extension
Submitted by Steve Edmiston
To approve the extension of the South Site Operations building loan and to approve all necessary documents with Chairman’s signature

Motion made by Councilmember Vanlandingham/Councilmember Aubrey to pay off remaining balance of loan, if applicable with CARES Act funding. Roll call; Vice Chair-no, Councilmember Hodge-no, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-no, Councilmember Natt-np, Councilmember Aubrey-yes, Councilmember McCovey-np. Yes-3, no-4, abs-0, np-1. Motion denied.

Statement(s) for the Record:
Councilmember Provolt: I am voting no, because I would like to see full due diligence done regarding the use of these funds.

Councilmember McCovey: I am voting no, because I do not want to make a hasty decision. This is not the original motion. I want to see more information regarding funding. I have been an advocate for this project, I want this done right.

FISHERIES
Dave Hillemeier presents
FISH20-40, Budget modification for Project Code #7054
Submitted by Dave Hillemeier

Motion made by Vice Chair Myers/Councilmember Hodge to authorize modification of the budget for project code #7054 as outlined in the attached spreadsheet (see attached memo,
budget modification spreadsheet and contract documents with Resource Environmental Solutions (RES) for more information. Motion carries by consensus.

FISH20-41, Northern Hydrology and Engineering contract
Submitted by Dave Hillemeier

Motion made by Councilmember Provolt/Councilmember Vanlandingham to authorize and signature by the Chairman of the attached contract with Northern Hydrology and Engineering contingent upon approval by Office of Tribal Attorney and review by the other departments during signature process (see attached memo, draft contract, prior action item, and RFP process summary for more information. Motion carries by consensus.

FISH20-039, Budget Modification #6028
Submitted by Dave Hillemeier

Motion made by Councilmember Provolt/Councilmember Hodge to authorize the attached budget modification to project code #6028 (see attached memo and spreadsheet for more details). Motion carries by consensus.

INFORMATION SERVICES/COUNCIL
CA20-121, IT Update set for 1:30pm
Submitted by Council Operations

IT Update at 1:30pm on projects and initiatives. Jessica Engle will resubmit a new action item for next steps with budget. Discussion only, no action.

ELECTIONS
Krystel Patapoff-Pruitt presents
EE20-005, 2020 Elections Precautionary measures
Submitted by Krystel Patapoff-Pruitt

Discussion and preparations of Election 2020 precautionary measurements and referendums. Elections Director will resubmit a new action item with resolution. Discussion only, no action.

COUNCIL
CA20-118, Public Health Task Force Briefing
Submitted by Council Operations

Briefing with Public Health Task Force (1 hour Planning meeting). Discussion only, no action.

CA20-108, Essential Frontline Workers
Submitted by Councilmember Vanlandingham

Item tabled to May 21, 2020 Council Action meeting agenda.

CA20-109, YAC Regulatory Board
Submitted by Councilmember Aubrey

May 19, 2020 Council Finance/Planning meeting
To set a planning session second round in June on creating a Yurok Agriculture Corporation Regulatory Authority Board. Item tabled to June 24, 2020.

CA20-119, Annual Membership meeting
Submitted by Taralyn Ipina, Council Operations

Motion made by Councilmember Vanlandingham/Councilmember Hodge to schedule Annual Membership meeting for October 3, 2020 due to COVID-19 Pandemic consistent with Constitutional requirements. If in person is impossible then meeting will be held in a virtual meeting space. Motion carries by consensus.

TRIBAL MEMBER COMMENT 4:30pm
Jade Tyner: I wanted to state that I support Council and distributing CARES funding if that goes along with federal guidelines. I have read the Yurok Tribe Human Resources policies.

Ruthie Maloney: I come from Weitchpus, and I come from awwok Mary Smoker and David Maloney, you were a witness to the harassment I went through as Self-Governance Assistant Director. I sat behind you and you heard the abuse I went through. I was the one who almost died. We had a flower dance, on July 9, the day I buried my dad. I just buried my grandma the oldest eldest we have, 101 years old, and we had no help from the Yurok Tribe, it was the Hoopa Tribe. This is wrong. It doesn’t just effect women, it effects men too. It has to stop, it has to stop.

Chairman James responds and apologizes for the trauma Ruthie has experienced in her life.

Alice Oscar: I am a Yurok Tribal member and elder. I am going to read off things that have been done to hire Javier Kinney. Was the job advertised? Was there a hiring committee? There is usually at least 1 to 2 Councilmembers on the hiring committee? I am asking the Council to remove Javier Kinney and to revoke his hiring because he creates a hostile environment. I want Council to put in a council action item and take it up in Executive Session. I want to have a vote taken of Council. If Council votes to have him to stay in his position he has to be required to go through anger and sexual harassment training. I want all staff to have bullying and anti-sexual harassment training. I want for staff to be able to voice their opinion. I want the Chairman to talk only once after we get done talking. This is our time to talk. You’re the Chairman, give us our time to speak.

Chairman responds to the human resources process of position was advertised, and a hiring committee. There is no complaint of sexual harassment, or harassment in the files.

Cecilia Moore: This is embarrassing and this is a slap in the face, you say you listen to the Tribal Members comments of trauma. When you were running you said you weren’t going to hire him. It’s hard and we already have people calling us names and being racists. We come from the same village. I don’t know why Javier in not on this phone, answering to people and apologizing to the people he’s hurt, instead of hiding behind you.
Annelia Hillman: I am not here to slander or point fingers. I keep the hearing that’s this way or that, I want to see action. It’s very hurtful. We have to make this right. I hope our leaders can make this right. We can’t just talk about this - we have to have some action.

Tribal Member Comment ends at 5:19pm

BREAK 5:19-5:30

Motion made by Councilmember Vanlandingham/Vice Chair Myers to suspend the rules and add CA20-126. Motion carries by consensus.

CA20-126, Tribal Member assistance (electrical work)
Submitted by Councilmember Vanlandingham

Motion made by Councilmember Vanlandingham/Vice Chair Myers to approve emergency electrical work request assistance for tribal member in Weitchpec district, funding to come from Weitchpec district travel line item. Whitson’s Inc. (quote attached). Motion carries by consensus.

CLOSING PRAYER: prayer provided by Chairman James

ADJOURN: 5:39pm

MEETING MINUTES APPROVED ON: August 20, 2020

Sherri K. Provolt, Secretary

Date 8/25/2020